

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



April 7, 2011

Thomas Ahrens, Chief Building Official
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Dear Mr. Ahrens:

This letter is to acknowledge receipt on December 6, 2010, of the City of San Rafael submittal pertaining to Ordinance No. 1889 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

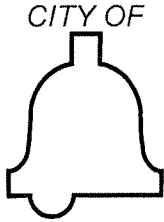
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



San Rafael

Mayor
Albert J. Boro

Council Members
Greg Brockbank
Damon Connolly
Barbara Heller
Marc Levine

December 3, 2010

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: Filing of City of San Rafael local amendments to Title 24.

Enclosed please find a copy of the adoptive ordinance codifying our local amendments to the California Code of Regulations Title 24.

Facts and Findings are included in the ordinance documents in Division 12 on page 41.

Sincerely,

Thomas Ahrens, Chief Building Official

TA/mjh

Enclosures

- (1) Ordinance No. 1889 – Title 12 Municipal Code of the City of San Rafael

RECEIVED
CITY OF SAN RAFAEL
DEC 6 2010

CLERK'S CERTIFICATE

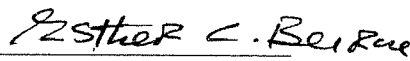
I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, and Ex-Officio Clerk of the Council of said City, do hereby certify that the foregoing Charter Ordinance No. 1889 entitled:

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.04, 12.12, 12.14, 12.16, 12.20, 12.44, AND 12.46 THERETO, AND DELETING CHAPTERS 12.24, 12.26, 12.28, 12.32, AND 12.38, AND ADDING CHAPTERS 12.13, 12.21 AND 12.23 ADOPTING THE CALIFORNIA BUILDING CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIAL MECHANICAL CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIA PLUMBING CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, WITH AMENDMENTS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION, WITH AMENDMENTS; THE CALIFORNIA GREEN BUILDING STANDARDS CODE WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, AND THE 2010 GREEN BUILDING STANDARDS CODE.

is a true and correct copy of an Ordinance of said City and was introduced at a REGULAR meeting of the City Council of the City of San Rafael, held on the 1st day of November, 2010, a SUMMARY of Ordinance No. 1889 was published as required by City Charter in the MARIN INDEPENDENT JOURNAL, a newspaper published in the City of San Rafael, and passed and adopted as an Ordinance of said City at a REGULAR meeting of the City Council of said City, held on the 15th day of November, 2010, by the following vote, to wit:

AYES	COUNCILMEMBERS: Brockbank, Heller, Levine & Vice-Mayor Connolly
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: Mayor Boro

WITNESS my hand and the official
seal of the City of San Rafael this
17th day of November, 2010


ESTHER C. BEIRNE
City Clerk

SUMMARY OF ORDINANCE NO. 1889

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.04, 12.12, 12.14, 12.16, 12.20, 12.44, AND 12.46 THERETO, DELETING CHAPTERS 12.24, 12.26, 12.28, 12.32, AND 12.38, AND ADDING CHAPTERS 12.13, 12.21 AND 12.23, THEREBY ADOPTING THE CALIFORNIA BUILDING CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA MECHANICAL CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA PLUMBING CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, WITH AMENDMENTS, THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS, AND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, WITH AMENDMENTS; AND ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS RELATED TO THE FOREGOING CODES; AND ADOPTING FINDINGS OF FACT AS TO THE LOCAL CLIMATIC, GEOLOGIC, AND TOPOGRAPHIC CONDITIONS SUPPORTING THE AMENDMENTS

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1889, which will amend the San Rafael Municipal Code by deleting Chapters 12.24, 12.26, 12.28, 12.32 and 12.38, by amending Chapters 12.04, 12.12, 12.14, 12.16, 12.20, 12.44, and 12.46, and by adding Chapters 12.13, 12.21, and 12.23, thereby adopting the 2010 California Building Code with amendments, the 2010 California Residential Code with amendments, the 2010 California Mechanical Code with amendments, the 2010 California Plumbing Code with amendments, the 2010 California Green Building Standards Code with amendments, and the 2009 International Property Maintenance Code with amendments, and by adopting provisions for enforcement, penalties and appeals related to such codes, as detailed in the complete text of Ordinance No. 1889. Ordinance No. 1889 is scheduled for adoption by the San Rafael City Council at its regular meeting of November 15, 2010. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

This Ordinance deletes, amends and adds the aforementioned Chapters of the San Rafael Municipal Code, thereby adopting the 2010 California Building Code with amendments, the 2010 California Residential Code with amendments, the 2010 California Mechanical Code with amendments, the 2010 Plumbing Code with amendments, the 2010 California Electrical Code with amendments, the 2010 California Green Building Standards Code with amendments, and the 2009 International Property Maintenance Code with amendments, with provisions for enforcement, penalties and appeals related to such codes. The amendments to the aforementioned codes include provisions relating to administration, definitions, address

numbering, right of entry, appeals, fire sprinkler systems, smoke detectors, roof coverings and materials, inspections, permit fees, penalties, permit exemptions, mud on streets, and equivalent or more stringent green building requirements. The Ordinance also contains the findings of fact that are required by Health & Safety Code Sections 17958.5, 17958.7 and 18941.5 relative to local climatic, geological and topographical conditions supporting the amendments made to the building standards contained in the 2010 California Building Code, 2010 California Residential Building Code, and 2010 California Green Building Standards Code.

PUBLICATION

For a complete text of Ordinance No. 1889, please contact the City Clerk at (415) 485-3066. Copies of Ordinance No. 1889 will also be available for public review as of Wednesday, November 10, 2010, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m.

Dated: November 10, 2010


ESTHER C. BEIRNE, City Clerk

ORDINANCE NO. 1889

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.04, 12.12, 12.14, 12.16, 12.20, 12.44, AND 12.46 THERETO, AND DELETING CHAPTERS 12.24, 12.26, 12.28, 12.32, AND 12.38, AND ADDING CHAPTERS 12.13, 12.21 AND 12.23 ADOPTING THE CALIFORNIA BUILDING CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION, WITH AMENDMENTS; THE CALIFORNIA PLUMBING CODE, 2010 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, WITH AMENDMENTS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION, WITH AMENDMENTS; THE CALIFORNIA GREEN BUILDING STANDARDS CODE WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, AND THE 2010 GREEN BUILDING STANDARDS CODE.

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1.

Chapters 12.24, 12.26, 12.28, 12.32 and 12.38 of the Municipal Codes of the City of San Rafael are here by deleted.

DIVISION 2.

Chapter 12.04 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.04

BUILDING DIVISION and DESIGNATION of CHIEF BUILDING OFFICIAL

Sections:

12.04.010 Building Division.

12.04.020 Designation of Chief Building Official.

12.04.030 Repeal of Conflicting Sections.

12.04.010 Building Division.

There is established within the community development department the "building division," which shall be under the direction, control and supervision of the chief building official.

12.04.020 Designation of the Chief Building Official.

Wherever the terms, "building official," "administrative authority," "chief building inspector," "chief electrical inspector", "building inspector", and "authority having jurisdiction" appear in the San Rafael Municipal Code, or in those codes therein adopted by reference, they shall mean the "chief building official," or his or her designated representative.

12.04.030 Repeal of Conflicting Sections.

All sections within the San Rafael Municipal Code, and those codes therein adopted by reference, which are in conflict with the provisions of this chapter, are hereby repealed.

DIVISION 3.

Chapter 12.12 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.12

CALIFORNIA BUILDING CODE

Sections:

- 12.12.010 Adoption of "2010 California Building Code", (based on the International Building Code, 2009 Edition, with California amendments), with amendments.
- 12.12.020 Amendments to the California Building Code.
- 12.12.030 Enforcement and Penalties.

12.12.010 Adoption of “2010 California Building Code”, (based on the International Building Code, 2009 Edition, with California Amendments), with Amendments.

The City Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2010 California Building Code, (based on the International Building Code, 2009 Edition), Volumes 1 and Volume 2 in its entirety, including the following appendices: Appendices C, H, I and J, as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the “California Building Code”, save and except such portions as are hereinafter changed or modified by Section 12.12.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.12.20 Amendments made to the California Building Code.

The California Building Code is amended or modified as follows:

Section 1.8.5 “Right of Entry for Enforcement” is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

[The remainder of this section is unchanged]

Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the local appeals board and the housing appeals board.

Section 104.3 is amended to add the following language:

No person shall remove or deface any notice or order posted by the building official, except as authorized by the building official.

Section 104.6 is amended to add the following phrase to the end of the last sentence:

“..., including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

Section 105.2 is amended as follows:

105.2 Building: (1) is revised to read as follows:

(1) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating systems or appliances.

105.2 Building: (7) is revised to read as follows:

(7) Painting, papering, tiling, carpeting, counter tops and similar finish work, except that striping or restriping of parking lots shall require a permit.

105.2 Building: (14) is added to read as follows:

(14) Decks or platforms which are less than 30" above grade plane, and are not a part of the means of egress for an occupied building.

Section 105.5 is amended by adding the following sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal 100 dollars per day, for construction activities which occur beyond the term limit of the original permit.

Section 109 is amended to read as follows:

109.1 [Unchanged].

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the City Council from time to time.

109.3 [Unchanged].

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

109.5 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours, that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after hours inspection fee may be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as published by the city's Finance Director.

109.6 [Unchanged].

Section 113.3 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the board of appeals.

Section 202 is amended to add the following definitions:

RESIDENTIAL KITCHEN. An area in which the preparation of food for eating occurs, that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food.

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section 501.2 is amended to read as follows:

501.2 Address numbers. All new and existing structures abutting on any public or private street, avenue, drive, road, place or lane within the city shall be given and marked with an official address number. The Building Official shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the Building Official. Address numbers shall be installed as described in City of San Rafael Standard "Premises Identification" as approved from time to time by the Building Official.

Section 502.1 is amended as follows:

The definition of "GRADE PLANE" is amended to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

Section 903.2 is hereby amended as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

Exception: Freestanding Group U occupancies not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.

3. All other existing buildings, where required by the Fire Chief in accordance with the following:

- a. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.

- b. All buildings in excess of three thousand (3,000) square feet which have more than ten percent (10%) floor area added within any three (3) year period.

- c. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than 50% of the square footage of the existing building.

- d. Where fire sprinklers are required by the provisions above, they shall be extended throughout the building.

4. In all residential buildings required to be sprinklered as provided above, attached garages and attics designed for storage or containing mechanical equipment shall also be sprinklered.

5. In all Group R-1 and R-2 residential occupancies required to sprinklered above, the attics shall be fully sprinklered in accordance with NFPA 13.

6. All single family dwellings required to be sprinklered above, which are in excess of five thousand (5,000) square feet shall have an automatic fire sprinkler system designed and installed in accordance with NFPA 13 or NFPA 13R.

7. All public storage facilities.

8. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections 903.2.1 through 903.2.17 remain the same.

Section 903.2.18 is hereby modified by deleting the exception.

Section 1013.1 is amended by adding the following sentence:

Guards also shall be located at waterfront bulkheads, fixed piers, and gangways.

Section 1029.6 is added as follows:

1029.6 Hotel window fall prevention. Operable windows in hotels located within this jurisdiction shall be in accordance with this section.

1029.6.1 New hotels. All new hotels, on all floors, shall have window stops installed to prevent the windows from being opened more than four inches (4") when the window sill height is less than forty-two inches (42") above the floor.

1029.6.2 Existing hotels. All existing hotels shall have window openings that comply with the following:

1029.6.2.1 Floors one through three. All existing hotels, on floors one through and including three, shall have no operable window openings such that the bottom edge of the opening, on the interior of the room, is less than forty-two inches (42") above the floor level.

Exception 1: If the level of the ground or walkway on the exterior of the room is no more than thirty inches (30") below the window sill.

Exception 2: If automatic fire sprinklers are installed throughout the building, window stops may be installed to limit the opening to no more than four inches (4").

1029.6.2.2 Floors above the third floor. All existing hotels, on floors above the third floor, shall have window stops installed to prevent the windows from being opened more than four inches (4") if window sill heights are less than forty-two inches (42") above the floor.

1029.6.3 Clear area adjacent to window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section 1505.1 is amended to delete the last sentence, with the exception remaining.

Section 1505.1.3 is amended to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-

year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least class A.

Table 1505.1 is deleted.

Section 1807 is amended by adding the following subsection:

1807.2.4 Wooden retaining walls. Wooden retaining walls may not be used to support any building or vehicular way. In addition, wooden retaining walls shall not be employed to retain soils above a building where failure of the wall would subject building to damage.

Appendix J “GRADING” is amended as follows:

Section J103.3 is added to read as follows:

J103.3 Grading Permit Fees. Fees shall be as set forth in the Master Fee Schedule Resolution adopted by the City Council from time to time.

Section J110.3 is added to read as follows:

J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or corporation who has a valid building, demolition or grading permit shall permit any mud, loose dirt or debris to be removed from the job site and deposited on any public street or sidewalk.

12.12.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Building Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 4.

Chapter 12.13 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 12.13

CALIFORNIA RESIDENTIAL CODE

Sections:

- 12.13.010 Adoption of “2010 California Residential Code”, (based on the International Residential Code, 2009 Edition, with California amendments), with amendments.
- 12.13.020 Amendments to the California Residential Code
- 12.13.030 Enforcement and Penalties

12.13.10 Adoption of “2010 California Residential Code”, (based on the International Residential Code, 2009 Edition, with California Amendments), with Amendments.

The City Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2010 California Residential Code, (based on the International Residential Code, 2009 Edition), in its entirety, including the following appendices: Appendices F, G and H, as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2.5, hereinafter referred to as the “California Residential Code”, save and except such portions as are hereinafter changed or modified by Section 12.13.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.13.20 Amendments made to the California Residential Code.

The California Residential Code is amended or modified as follows:

Section 1.8.4, “Right of Entry for Enforcement” is amended to read as follows:

1.8.4.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

[The remainder of this section is unchanged]

Section 1.8.7.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the local appeals board or housing appeals board.

Section R104.6 is amended to add the following phrase to the end of the last sentence:

“..., including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

Section R105.2 is amended as follows:

R105.2 Building: (1) is revised to read as follows:

(1) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating systems or appliances.

R105.2 Building: (6) is revised to read as follows:

(6) Painting, papering, tiling, carpeting, counter tops and similar finish work.

Section R105.5 is amended by adding the following sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal to 100 dollars per day, for construction activities which occur beyond the term limit of the original permit.

Sections R108.2, 108.6 and R108.7 are amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the City Council from time to time.

R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

R108.7 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours; that inspection shall be charged by the hour. Where an inspector is called back to duty to perform an after hours inspection, that inspection shall be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after hours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as published by the city Finance Director.

Section R112.3 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the board of appeals.

Section R202 is amended as follows:

The definition of "GRADE PLANE" is amended to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

The definition of "RESIDENTIAL KITCHEN" is added to read as follows:

RESIDENTIAL KITCHEN. An area in which the preparation of food for eating occurs, that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food.

The definition of "SUBSTANTIAL REMODEL" is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section R313.1 is revised to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all newly constructed townhouses and in existing townhouses where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a "Substantial Remodel" as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portion(s) of the building irrespective of the size of the addition.

R313.1.1 [Unchanged].

Section R313.2 is revised to read as follows:

R313.2 One and two - family dwellings automatic fire sprinkler systems. An Automatic residential fire sprinkler system shall be installed in all newly constructed one- and

two- family dwellings and in existing one- and two- family dwellings where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a “Substantial Remodel” as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portion(s) of the building irrespective of the size of the addition.

R313.2.1 [Unchanged].

Section R313.3.1.1 is amended as follows:

Exception #4 is deleted.

Section R319.1 is amended to read as follows:

R319.1 Address numbers. All new and existing structures abutting on any public or private street, avenue, drive, road, place or lane within the city shall be given and marked with an official address number. The Building Official shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the Building Official. Address numbers shall be installed as described in City of San Rafael Standard “Premises Identification” as approved from time to time by the Building Official.

Section R902.1.3 is amended to read as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least class A.

12.13.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Residential Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 5.

Chapter 12.14 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.14

CALIFORNIA MECHANICAL CODE

Sections:

- 12.14.010 Adoption of “2010 California Mechanical Code”, with amendments.
- 12.14.020 Amendments to the California Mechanical Code
- 12.14.030 Enforcement and Penalties

12.14.010 Adoption of “2010 California Mechanical Code” with Amendments.

The City Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2010 California Mechanical Code, including Chapter 1 Division II as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 4, hereinafter referred to as the “California Mechanical Code”, save and except such portions as are hereinafter modified or amended by Section 12.14.020 of this Chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.14.020 Amendments made to the California Mechanical Code.

The 2010 California Mechanical Code is amended or modified as follows:

Section 1.8.5, “Right of Entry for Enforcement” is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

[The remainder of this section is unchanged]

Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the local appeals board or housing appeals board.

Chapter 1 Division II “Administration” is amended as follows:

Section 110.1 is amended to read as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the board of appeals.

Section 113.1 is amended to read as follows:

113.1 Application. To obtain a permit, the applicant shall apply to the Authority having Jurisdiction for that purpose. Every such application shall:

[The remainder of this section is unchanged]

Section 115.1 is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Master Fee Schedule Resolution of the City Council as adopted from time to time.

Section 115.2 is amended to read as follows:

115.2 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Master Fee Schedule Resolution of the City Council as amended from time to time

Section 115.3 is deleted.

Section 115.6 is amended as follows:

Section 115.6.1 is amended to read as follows:

115.6.1 The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 116.6 is amended to replace the third paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as amended from time to time, and then schedule the reinspection for the next normally available time.

Table 1-1 is deleted.

Section 203.0 is amended as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official or his or her duly authorized representative.

12.14.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Mechanical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 6.

Chapter 12.16 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.16

CALIFORNIA PLUMBING CODE

Sections:

- 12.16.010 Adoption of "2007 California Plumbing Code" with amendments
- 12.16.020 Amendments to the California Plumbing Code
- 12.16.030 Enforcement and Penalties

12.16.010 Adoption of "2010 California Plumbing Code" with Amendments.

The City Council hereby adopts, for the purpose of providing minimum requirements for the protection of health, safety, and the general welfare of the general public, that certain code known as the 2010 California Plumbing Code, including Chapter 1 Division II, and Appendix I, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the "California Plumbing Code", save and except such portions as are hereinafter modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.16.020 Amendments to the California Plumbing Code.

The 2010 California Plumbing Code is amended or modified as follows:

Section 1.8.5, "Right of Entry for Enforcement" is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

[The remainder of this section is unchanged]

Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the local appeals board or housing appeals board.

Chapter 1 Division II “Administration” is amended as follows:

Section 103.2.1 is amended to read as follows:

103.2.1 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

[The remainder of this section is unchanged]

Section 103.4.1 is amended to read as follows:

103.4.1 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Master Fee Schedule Resolution of the City Council as adopted from time to time.

Section 103.4.2 is deleted.

Section 103.4.5.2 is amended to read as follows:

103.4.5.2 The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 103.5.6 is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as adopted from time to time, and then schedule the reinspection for the next normally available time.

Table 1-1 is deleted.

Section 203.0 is amended to read as follows:

The definition of “AUTHORITY HAVING JURISDICTION” is amended to read as follows:

AUTHORITY HAVING JURISDICTION. The Authority Having Jurisdiction shall mean the chief building official or his duly authorized representative.

12.16.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Plumbing Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 7.

Chapter 12.20 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.20

CALIFORNIA ELECTRICAL CODE

Sections:

- 12.20.010 Adoption of “2010 California Electrical Code” with amendments
- 12.20.020 Amendments to the California Electrical Code
- 12.20.030 Enforcement and Penalties

12.20.010 Adoption of the “2010 California Electrical Code” with Amendments.

The City Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the general welfare of the general public, that certain code known as the “2010 California Electrical Code”, including Annex H, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the “California Electrical Code”, save and except such portions as are hereinafter modified or amended by Section 12.20.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.20.020 Amendments to the California Electrical Code.

The 2010 California Electrical Code is amended or modified as follows:

Article 89.108.5, “Right of Entry for Enforcement” is amended to read as follows:

89.108.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

[The remainder of this section is unchanged]

Article 89.108.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the local appeals board and housing appeals board.

Annex H “Administration and Enforcement” is amended to read as follows:

Article 80.2 The definition for AUTHORITY HAVING JURISDICTION is amended to read as follows:

AUTHORITY HAVING JURISDICTION. The Authority Having Jurisdiction shall mean the chief building official or his or her duly authorized representative.

Article 80.3 is amended to read as follows:

80.3 Purpose. The purpose of this article shall be to provide for the administration and enforcement of the California Electrical Code in nonstate-regulated buildings, structures and applications.

Article 80.15 is deleted.

Article 80.19 Permits and Approvals is amended as follows:

Article 80.19 (E) Fees is amended to read as follows:

E. FEES. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee as set forth in the Master Fee Schedule Resolution of the City Council as adopted from time to time.

Article 80.19 (F) Inspections and Approvals is amended as follows:

Article 80.19 (F) (3) is amended to read as follows:

When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been approved by the electrical inspector.

Article 80.19 (F) (5) is amended to add the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as adopted from time to time, and then schedule the reinspection for the next normally available time.

Article 80.23(B) is deleted.

Article 80.25 Connection to Electricity Supply is amended as follows:

Article 80.25(C) is deleted, and **Articles 80.25 (D)** and **80.25 (E)** are renumbered as **Article 80.25 (E)** and **80.25 (F)**, respectively.

12.20.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Electrical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 8.

Chapter 12.21 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 12.21

PROPERTY MAINTENANCE CODE

Sections:

- | | |
|-----------|--|
| 12.21.010 | Adoption of the Property Maintenance Code, 2009 Edition, with Amendments |
| 12.21.020 | Amendments to International Property Maintenance Code |

12.21.030 Enforcement and Penalties.

12.21.010 Adoption of International Property Maintenance Code, 2009 Edition, with Amendments.

The City Council adopts, for the purpose of regulating and governing the conditions and maintenance for all property, buildings and structures; by providing the standard for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; that certain code known as the International Property Maintenance Code, 2009 Edition including Appendix A, as published by the International Code Conference, hereinafter referred to as the "Property Maintenance Code," save and except such portions as are hereinafter changed, added to or amended by Section 12.21.020 of this chapter.

12.21.20 Amendments to International Property Maintenance Code.

The International Property Maintenance Code is amended or modified as follows:

Section 101.1 is amended to read as follows:

101.1 These regulations shall be known as the Property Maintenance Code of the City of San Rafael (hereinafter referred to as "the code").

Section 102.7 is amended to read as follows:

102.7 Referenced Codes and Standards. Where the term "International Building Code" appears in this code, it shall mean the California Building Code as adopted by this jurisdiction with amendments. Where the term "International Fire Code" appears, it shall mean the California Fire Code as adopted by the City Council with amendments. Where the term "International Existing Building Code" appears, it shall mean the California Building Code as adopted by the City Council with amendments. Where the term "International Fuel Gas Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Mechanical Code" appears, it shall mean the California Mechanical Code as adopted by the City Council with amendments. Where the term "International Plumbing Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Zoning Code" appears, it shall mean the San Rafael Municipal Code, Title 14.

Section 103 is deleted.

Section 104.3 is amended to add the following phrase to the end of the last sentence:

"including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California."

Sections 106.2, 106.3, 106.4, and 106.5 are hereby deleted.

Section 107.1 is amended as follows:

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice may be given in the manner prescribed in the San Rafael Municipal Code Section 1.08.060 to the person responsible for the violation as specified in the code. Notices for condemnation procedures shall also comply with Section 108.3.

Sections 107.2, 107.3, 107.4, 107.5, and 107.6 are hereby deleted.

Section 108.3 is amended as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1.08.060 of the San Rafael Municipal Code. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1.08.060 San Rafael Municipal Code.

Sections 109.2, 109.3, and 109.4 are amended to read as follows:

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sections 109.5 and 109.6 are deleted.

Sections 110.2 and 110.3 are amended to read as follows:

110.2 Notices and Orders. All notices and orders shall comply with San Rafael Municipal Code Chapter 1.46

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111.2 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the board of appeals.

Section 112.4 is amended to read as follows:

112.4: Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Section 202: The definition for CODE OFFICIAL is amended to read as follows:

CODE OFFICIAL. Where used in this code, the term Code Official shall refer to the Chief Building Official, and his or her designated agents or representatives.

Section 302.4 is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.

Section 304.14 is amended to read as follows:

304.14 Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

[Exception to remain unchanged.]

Section 308.2.2 is amended to read as follows:

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Section 308.3.1 is amended to read as follows:

308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; and approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container. Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.

Section 308.3.1.1 is added to read:

308.3.1.1. Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or waste receptacle within the public right of way other than on the day of removal service. Containers shall be stored out of public view on non-service dates whenever practical; or stored nearest the main structure.

Section 602.3 is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units or terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat in order to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period in order to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

[Exceptions remain unchanged.]

12.21.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the International Property Maintenance Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code

DIVISION 9.

Chapter 12.23 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 12.23

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

- 12.23.010 Adoption of the California Green Building Standards Code, 2010 Edition, with amendments.
- 12.23.020 Amendments to California Green Building Standards Code
- 12.23.030 Enforcement and Penalties

12.23.010 Adoption of California Green Building Standards Code, 2010 Edition, with Amendments.

The City Council hereby adopts, for the purpose of improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building practices that reduce negative environmental impact and encourage sustainable construction practices., that certain code known as the 2010 California Green Building Standards Code (Cal Green), as hereinafter modified or amended by Section 12.23.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the City Clerk.

12.23.020 Amendments to the California Green Building Standards Code.

The 2010 California Green Building Standards Code (Cal Green) is amended or modified as follows:

The 2010 edition of the California Green Building Standards Code (Cal Green), known as the California Code of Regulations, Part 11 of Title-24, is adopted with exceptions, additions, and deletions as provided in Chapter 12.44 and 12.46 of this code. Enforcement of Chapter 12.44 and 12.46 of the San Rafael Municipal Code is equivalent to or exceeds the mandatory requirements of the California Green Building Standards Code (Cal Green) as indicated in Table 12.23.020.

Table 12.23.020

CALGreen	GreenPoint Rated Single Family	GreenPoint Rated Multi-Family	LEED	San Rafael Municipal Code
4.106.2	Q1	Q1		Chapter 12.44
4.106.3	Q2	Q2		Chapter 12.44
4.201.1	J2	J1		Chapter 12.44
4.303.1	G2a,b,c; G3; Q3	G1a,b,c,d; Q3		Chapter 12.44

4.303.2	G2a	G1c		Chapter 12.44
4.303.3	G2a,b; G3	G1a,b,c,d		Chapter 12.44
4.304.1	C6b	B1e		Chapter 12.44
4.406.1	Q4	Q4		Chapter 12.44
4.408.1-2	A2a	A2a		Chapter 12.46
4.410.1	N4	N3a		Chapter 12.44
4.503.1	Q5	Q5		Chapter 12.45
4.504.1	A5a	A3a		Chapter 12.44
4.504.2.1	K4	K4		Chapter 12.44
4.504.2.2-4	K2a; K3	K3a,c		Chapter 12.44
4.504.3-4	L3; L4	L2; L3		Chapter 12.44
4.504.5	K7	K6		Chapter 12.44
4.505.2	Q6	Q6		Chapter 12.44
4.505.3	Q7	Q7		Chapter 12.44
4.506.1	H8	H4d		Chapter 12.44
4.507.1	H9b	H3b		Chapter 12.44
4.507.2	H1a	P.H1		Chapter 12.44
702.1	Q8	Q8		Chapter 12.44
5.106.1			SS p1	Chapter 12.44
5.106.8			SS 8	Chapter 12.44
5.303.2			WE p1	Chapter 12.44
5.303.4			WE 2	Chapter 12.44
5.408.1-4				Chapter 12.46
5.410.1			MR p1	Chapter 12.44
5.410.2-3			EA p1	Chapter 12.44
5.503.1				Chapter 12.45
5.504.3			EQ 3.1	Chapter 12.44
5.504.4.1			EQ 4.1	Chapter 12.44
5.504.4.3.1			EQ 4.2	Chapter 12.44
5.504.4.4			EQ 4.3	Chapter 12.44
5.504.4.5			EQ 4.4	Chapter 12.44
5.504.4.6			EQ 4.3	Chapter 12.44
5.504.5.3			EQ 5	Chapter 12.44
5.504.7			EQ p2	Chapter 12.44
5.506.1			EQ p1	Chapter 12.44
5.506.2			EQ 1	Chapter 12.44
5.508.1.1			EA p3	Chapter 12.44
5.508.1.2			EA 4	Chapter 12.44

12.23.030 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the chief building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Green Standards Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code

DIVISION 10.

Chapter 12.44 (Green Building Requirements) of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.44

GREEN BUILDING REQUIREMENTS

Sections:

- 12.44.010 Purpose
- 12.44.020 Applicability
- 12.44.030 Definitions
- 12.44.040 Covered Projects -- Standards for Compliance
- 12.44.050 Incentives for Compliance
- 12.44.060 Administrative Procedures
- 12.44.070 Exemptions
- 12.44.080 Appeal

12.44.010 Purpose.

The purpose of this Chapter is to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas production and emissions and improving the environmental and economic health of the City through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials. The green building provisions referenced in this Chapter are designed to achieve the following objectives:

- A. Increase energy efficiency in buildings;
- B. Encourage water and resource conservation;

- C. Reduce waste generated by construction projects;
- D. Reduce long-term building operating and maintenance costs; and
- E. Improve indoor air quality and occupant health; and
- F. Contribute to meeting the state and local commitments to reduce greenhouse gas production and emissions.
- G. Meet or exceed all applicable mandatory measures of the 2010 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations.

12.44.020 Applicability.

The provisions of this Chapter shall apply to all construction or development projects defined below as a "Covered Project."

12.44.030 Definitions.

For the purposes of interpreting this Chapter and the associated Standards for Compliance, the following terms are defined as follows. When the definitions below differ from those contained elsewhere in this Title, the provisions of this Chapter shall apply.

- A. "Addition" means the addition of building square footage to an existing structure.
- B. "BIG" means Build It Green, a non-profit organization which established and maintains the Green Point Rated system for evaluating and certifying residential green buildings and green building professionals.
- C. "BPI" means the Building Performance Institute, a non-profit organization which provides training and certification of green building professionals.
- D. "Building envelope" means the ensemble of exterior and demising partitions of a building and roof structure that enclose conditioned space.
- E. "Compliance threshold" means the minimum number of points or rating level required to be achieved by a particular Covered Project as set forth by the Standards for Compliance outlined in Section 12.44.040.
- F. "Conditioned space" means any area within a building or structure that is heated or cooled by any equipment.
- G. "Covered project" means a development project for which one or more building permits are required for new construction as set forth by the Standards for Compliance outlined in Section 12.44.040.

H. "GBCI" means the Green Building Certification Institute, a non-profit organization which certifies green buildings and green building professionals under the LEED® rating system.

I. "Green building" means a comprehensive process of design and construction that employs techniques to increase the efficiency of resource use, including energy, water and building materials, while minimizing adverse impacts on human health and the natural environment.

J. "Green building checklist" means a checklist or rating sheet used for calculating a green building rating.

K. "Green building rating system" means a standardized rating system providing specific criteria to determine the level of compliance of building projects as set forth by the Standards for Compliance outlined in Section 12.44.040.

L. "GreenPoint Rated" means a residential building certified as complying with the green building rating systems developed by the Build It Green organization.

M. "GreenPoint Rater" means an individual certified by Build It Green as capable of evaluating and rating residential construction projects for compliance with the GreenPoint Rated green building rating systems.

N. "HERS" means the Home Energy Rating System adopted by the California Energy Commission.

O. "LEED®" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.

P. "LEED® AP" means an individual who has been certified a LEED® Accredited Professional by the U.S. Green Building Council or the Green Building Certification Institute as capable of evaluating and rating construction projects for compliance with the LEED® green building rating systems.

Q. "Net Zero Energy" means a building that has a net annual Time Dependent Valued (TDV) Energy Consumption, as defined by Title 24 of the California Code of Regulations, of zero, accounting for both energy consumption and the use of on-site renewable energy production.

R. "New construction" means the construction of a new or replacement residential dwelling unit or a new or expanded non-residential building.

S. "Qualified green building rater" means an individual who has been trained and certified as a LEED® AP, GreenPoint Rater or has similar qualifications and certifications if acceptable to the Chief Building Official.

T. "Renovation" means any remodeling, modification or tenant improvement to an existing building that includes replacement or alteration of at least two of the following: heating/ventilating/air conditioning system, building envelope, hot water system or lighting system, but excluding improvements and project valuation related to seismic or disabled access, building replacement due to catastrophic loss due to flood or earthquake damage or installation of renewable energy systems. Renovation shall include any addition of conditioned space to an existing dwelling unit.

U. "USGBC" means the U.S. Green Building Council, a non-profit organization which established and maintains the LEED® rating systems for evaluating and certifying residential green buildings and green building professionals.

12.44.040 Covered Projects - Standards for Compliance.

A. Standards for Compliance

All covered projects shall be constructed using the "Standards for Compliance" applicable to those covered projects, which standards shall include, but not be limited to, the green building rating system(s) applicable to various types and sizes of covered projects; minimum compliance thresholds for various types and sizes of covered projects; and methods for verification of compliance with the adopted standards. Green building Standards for Compliance for new or renovated residential projects are listed in Table 12.44.040A and for new or renovated non-residential projects in Table 12.44.040B.

B. In applying Standards for Compliance under this chapter:

1. Cumulative new construction or renovations over any one-year period shall be considered as a single Covered Project, and subject to the highest compliance threshold based on the cumulative project size or valuation.

2. The Chief Building Official shall determine the appropriate project valuation based on the cost of similar improvements, and may request substantiating documentation from the applicant. The following shall not be included in project valuation:

- a. Improvements primarily intended for seismic upgrades or required disabled access.
- b. Building replacement due to catastrophic loss due to flood or earthquake damage.
- c. Installation of renewable energy systems.

3. The Chief Building Official may determine that an alternative green building rating system may be used to determine project compliance, where it can be demonstrated that the alternative rating system is as stringent as or greater in terms of reduced

energy and resource use and improved interior air quality than that normally required by the Standards for Compliance.

4. Mixed use (residential and non-residential) projects must comply either with the applicable Covered Project requirements for the respective residential and non-residential portions of the project, or may propose to utilize a mixed use rating system, subject to approval by the Chief Building Official.

5. The cost of reviewing any proposals requesting the use alternate green building rating systems or requests for exemptions including, but not limited to, the cost to the city of hiring a consultant to review the proposal, shall be borne by the applicant.

6. All buildings submitted for permit must meet all applicable requirements of the 2010 California Energy Code (Title 24, Part 6) California Code of Regulations ("C.C.R.") and referenced standards or subsequently adopted state energy standards, as well as all applicable requirements of the 2010 Green Building Standards Code (Title 24, Part 11) C.C.R., or subsequently adopted state green building standards.

7. The applicable green building rating system shall be that which is most recently adopted by Build It Green or the U.S. Green Building Council. The green building rating system in effect at the time of building permit submittal shall be that which is applicable to the development project throughout the project construction.

8. A solar photovoltaic (PV) energy system may be used to meet the Energy Budget Below CA Title 24 Part 6 requirements of this resolution which exceed 15%. To qualify for energy credits, the PV energy system must be capable of generating electricity from sunlight, supply the electricity directly to the building and the system is connected, through a reversible meter, to the utility grid. The installation of any qualifying PV energy system must meet all installation criteria contained in the California Energy Commission's Guidebook "Eligibility Criteria and Conditions for Incentives for Solar Energy Systems." The methodology used to calculate the energy equivalent to the PV credit shall be the CECPV Calculator, using the most recent version, provided by the California Energy Commission.

**TABLE 12.44.040A: GREEN BUILDING STANDARDS FOR COMPLIANCE
FOR RESIDENTIAL CONSTRUCTION AND RENOVATION**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Energy Budget Below CA Title Below 24 Part 6	Verification
Single-Family or Two-Family Residential: New construction				
Accessory building (w/o kitchen)	GPR New Home	50 points ¹	n/a	Green Point Rater ³
New dwelling up to 2,499 sq. ft.	GPR New Home	75 points ¹	15%	Green Point Rated ⁴
New dwelling 2,500-3,999 sq. ft.	GPR New Home	100 points ¹	15%	Green Point Rated ⁴

New dwelling 4,000-5,499 sq. ft.	GPR New Home	125 points ¹	20%	Green Point Rated ⁴
New dwelling 5,500-6,999 sq. ft.	GPR New Home	150 points ¹	30%	Green Point Rated ⁴
New dwelling 7,000+sq. ft.	GPR New Home	200 points ¹	Net zero energy	Green Point Rated ⁴
Single-Family or Two-Family Residential: Renovations (including additions to existing buildings)				
Less than \$50,000 valuation	n/a	Insulate exposed hot water pipes; Install radiant barrier when reroofing and removing sheathing		City building inspector
\$50,000-\$99,999 valuation	GPR Existing Home	Checklist submittal and completion of a HERSII or BPI home performance audit		City plan check
\$100,000-\$149,999 valuation	GPR Existing Home – Elements ⁵	25 points		GreenPoint Rater ³
\$150,000-\$299,999 valuation	GPR Existing Home – Elements ⁵	35 points		GreenPoint Rater ³
\$300,000+ valuation	GPR Existing Home – Whole House ⁵	50 points + 20% improvement in HERSII or BPI home performance audit results or a minimum HERSII score of 100		GreenPoint Rater ³
Multi-Family Residential: New construction				
Less than 1,000 sq. ft. average unit size	GPR Multi-Family	60 points ²	15%	GreenPoint Rated ³
1,000+ sq. ft. average unit size	GPR Multi-Family	75 points ²	15%	GreenPoint Rated ³

¹ To achieve compliance with the California Green Building Code, the following GPR measures are required: A2a; A5a; G2a,b,c; G3; H1a; H8; H9b; J2 ;K2a K3; K4; K7; L3; L4; N4; Q1; Q2; Q5; Q6; Q7; Q8

² To achieve compliance with the California Green Building Code, the following GPR measures are required: A2a; A3a; B1e; G1a,b,c,d; H3b; H4d; J1; K3a,c; K4; K6; L2; L3; PH1; N3a; Q1; Q2; Q3; Q4; Q5; Q6; Q7; Q8

³ Project verification by GreenPoint Rater (may be a member of the project design team). Certification by Build It Green recommended but not required.

⁴ Project verification by GreenPoint Rater (may not be a member of the project design team) and certification by Build It Green.

⁵ "Gut remodels" which strip all interior walls to studs and replace heating systems shall achieve a minimum of 50 points using the GPR New Home checklist, with verification by a GreenPoint Rater.

- GPR = GreenPoint Rated (the residential green building rating system created by Build It Green);
- GreenPoint Rater = a green building professional certification from Build It Green HERS = Home Energy Rating System adopted by the California Energy Commission.
- BPI = Building Performance Institute – a green building contractor and home auditor training and accreditation organization.

**TABLE 12.44.040B: GREEN BUILDING STANDARDS FOR COMPLIANCE
FOR NONRESIDENTIAL CONSTRUCTION AND RENOVATION**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Energy Budget Below CA Title 24 Part 6	Verification
New construction (including additions to existing buildings)				
Up to 4,999 sq. ft.	LEED® New Construction or Core & Shell	Compliance with LEED® Prerequisites and mandatory measures of the California Green Building Code		LEED® AP with additional GreenPoint Rater or BPI Certification ²
5,000-49,999 sq. ft.	LEED® New Construction or Core & Shell	LEED® Silver ¹	15%	LEED® AP with additional GreenPoint Rater or BPI Certification ²
50,000+ sq. ft.	LEED® New Construction or Core & Shell	LEED® Gold ¹	15%	GBCI Certified ²
Renovations				
Less than \$500,000 valuation	LEED® Commercial Interiors or Operations & Maintenance	Voluntary compliance with the following Prerequisites: WE P1 (Water Efficiency–Baseline Requirements only) ³ EA P3 (Fundamental Refrigerant Management) for renovations of >50% of the building interior area Voluntary compliance with the following Credits: EA C1.3 (Optimize Energy Performance – HVAC) for renovations of >50% of the building interior area		None
\$500,000 - \$5 million valuation	LEED® Commercial Interiors or Operations & Maintenance	Same as above, but Required.		City building inspector
Greater than \$5 million valuation	LEED® Commercial Interiors or Operations & Maintenance	LEED® Silver		LEED® AP with additional GreenPoint Rater or BPI Certification

¹ To achieve compliance with the California Green Building Code, the following LEED® measures are required: SS8; WE2; EQ3.1; EQ1; EQ4.1; EQ4.3; EQ4.4; EQ5; and EA4

² In addition to verifying LEED® measures, the LEEP AP shall also verify compliance with the following requirements of the California Green Building Code: 5.303.2.1; 5.303.6; and 5.407.2

³ Applicable only to fixtures within area of renovation or restrooms associated with area of renovation.

- LEED® = Leadership in Energy and Environmental Design – a green building rating system developed by the US Green Building Council
- LEED® AP = LEED Accredited Professional – a green building professional certification for project designers from the US Green Building Certification Institute
- GreenPointRater = a green building professional certification from Build It Green
- BPI = Building Performance Institute – a green building contractor and home auditor training and accreditation organization

12.44.050 Incentives for Compliance.

A. To encourage higher levels of green building compliance, projects which meet the following enhanced green building standards are entitled to administrative and financial incentives:

1. New single-family or duplex dwellings which achieve at least one hundred (100) points using the most recently published edition of the New Home Construction Green Building Guidelines and the associated GreenPoints Calculator published by Build It Green.
2. New multi-family units which achieve at least one hundred (100) points using the most recently published edition of the Multifamily Green Building Guidelines and the associated GreenPoints Calculator published by the Build It Green.
3. New non-residential residential construction which achieve at least a LEED® “Gold” rating using the most recently published version of the LEED® for New Construction or other more appropriate LEED® rating system as determined by the Chief Building Official based on the proposed construction type.

B. Administrative and financial incentives shall include all of the following:

1. Expedited processing of building permit plan checks,
2. Reimbursement for costs of a Certified GreenPoint Rater associated with verification of compliance with green building regulations for residential projects, up to a maximum of \$1,000,
3. Provision of a plaque certifying the building as meeting the City’s Green Building Standards,
4. Provision of a City Green Building logo for placement on construction and sales signage, and
5. Listing on the City’s website for a period of time, as determined by the Community Development Director.

12.44.060 Administrative Procedures.

The procedures for compliance with the provisions of this Chapter shall include, but not be limited to, the following:

A. **Project Design.** Applicants for a Covered Project are strongly encouraged to involve a qualified green building rater in the initial design phases of the project in advance of submittal of an application to determine applicable green building compliance thresholds and the most cost effective and appropriate means of achieving compliance.

B. **Planning Applications.** If a discretionary planning application is required for a Covered Project, applicants should be prepared to identify expected green building measures to be included in the project to achieve the compliance thresholds. Applicants should identify any anticipated difficulties in achieving compliance and any exemptions from the requirements of this Chapter that may be requested.

C. **Building Plan Check Review.** Upon submittal of an application for a building permit, building plans for any Covered Project shall include a green building program description and completed checklist. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. A qualified green building rater shall provide evidence that the project, as indicated by the project plans and green building program description, will achieve the Standards for Compliance outlined in Section 12.44.040 prior to issuance of a building permit.

D. **Changes During Construction.** During the construction process, alternate green building measures may be substituted, provided that the qualified green building rater provides documentation of the proposed change and the project's continued ability to achieve the Standards for Compliance to the Chief Building Official.

E. **Final Building Inspection.** Prior to final building inspection and occupancy for any Covered Project, a qualified green building rater shall provide evidence that project construction has achieved the required compliance set forth in the Standards for Compliance outlined in Section 12.44.040. The Chief Building Official shall review the documentation submitted by the applicant, and determine whether the project has achieved the compliance threshold as set forth in the Standards for Compliance outlined in Section 12.44.040. Where subsequent certification of the building is required by the Standards for Compliance, the Chief Building Official shall also determine whether the applicant has demonstrated that such certification is in process and will be achieved not later than one year after approval of final building inspection. If the Chief Building Official determines that the applicant has met these requirements, the final building inspection may proceed.

F. **Post-Final Inspection Requirement.** Where certification of the building is required by the Standards for Compliance, and such certification is only available subsequent to occupancy of the completed building, the applicant shall provide documentation of such certification within one year of the date of the final building inspection for the project. Failure to provide evidence of this certification within this timeframe, or within an alternate timeframe as

determined by the Chief Building Official, will result in a determination that the Covered Project is not in compliance with the requirements of this Chapter.

G. Conflict with Other Laws. The provisions of this Chapter are intended to be in addition to and not in conflict with other laws, regulations and ordinances relating to building construction and site development. If any provision of this Chapter conflicts with any duly adopted and valid statutes or regulations of the federal government of the State of California, the federal or state statutes or regulations shall take precedence.

12.44.070 Exemptions.

A. The provisions of this Chapter shall not apply to the following exemptions; however, none of the exemptions listed shall provide the applicant with relief from the compliance requirements of the 2008 Building Energy Efficiency Standards, California Code of Regulations (C.C.R. Title 24, Part 6):

1. Buildings which are temporary (such as construction trailers).
2. Building area which is not or is not intended to be conditioned space.
3. Any requirements of this Chapter which would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the Chief Building Official and as regulated by the California Historic Building Code (C.C.R. Title 24, Part 8). In making such a determination, the Chief Building Official may require the submittal of an evaluation by an architectural historian or similar expert.

B. Hardship or Infeasibility Exemption. If an applicant for a Covered Project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this Chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility, and to demonstrate clearly the applicant's continued compliance with all requirements of the 2008 Building Energy Efficiency Standards, California Code of Regulations (C.C.R. Title 24, Part 6).

1. Application. The applicant shall identify in writing the specific requirements of the Standards for Compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this Chapter. Circumstances that constitute hardship or infeasibility shall include, but are not limited to, the following:

a. There is a conflict between the provisions of the applicable green building rating system and the California Building Standards Code, other State code provisions, other requirements of this Title or conditions imposed on the project through a previously approved planning application;

b. There is a lack of commercially available green building materials and technologies to comply with the green building rating system;

c. That the cost of achieving compliance is disproportionate to the overall cost of the project;

d. That physical conditions of the project site make it impractical to incorporate necessary green building measures or achieve the Standards for Compliance;

e. That compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures.

2. Granting of exemption. If the Chief Building Official determines that the granting of the exemption will not cause the building to violate the compliance requirements of the 2008 Building Energy Efficiency Standards, California Code of Regulations (C.C.R. Title 24, Part 6), and that it is a hardship or infeasible for the applicant to fully meet the requirements of this Chapter, the Chief Building Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the Chief Building Official shall consider whether alternate, practical means of achieving the objectives of this Chapter can be satisfied, such as reducing comparable energy use at an offsite location within the City. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the Chief Building Official.

3. Denial of exception. If the Chief Building Official determines that the granting of the exemption will potentially cause the building to violate the compliance requirements of the 2008 Building Energy Efficiency Standards, California Code of Regulations (C.C.R. Title 24, Part 6), or that it is reasonably possible for the applicant to fully meet the requirements of this Chapter, the request shall be denied and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the Standards for Compliance.

12.44.080 Appeal.

Any aggrieved applicant or person may appeal a Chief Building Official determination under this Chapter, including a determination regarding compliance with the provisions of this Chapter and a determination on the approval or denial of an exemption under Section 12.44.070, to the City Council by filing a written appeal with the City Clerk and paying the necessary filing fee within ten (10) days of the determination.

DIVISION 11.

Chapter 12.46 (Construction and demolition debris) of the San Rafael Municipal Code is hereby amended to read as follows:

Chapter 12.46

REQUIREMENT TO DIVERT CONSTRUCTION and DEMOLITION DEBRIS FROM LANDFILL

Sections:

- 12.46.010 Definitions
- 12.46.020 Threshold for covered projects
- 12.46.030 Submission of Waste Management Plan
- 12.46.040 Review of Waste Management Plan
- 12.46.050 Compliance with Waste Management Plan
- 12.46.060 Exemption

12.46.010 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.
- B. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- C. "Construction and Demolition Debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair or demolition operations on any pavement, house, commercial building or other structure.
- D. "Conversion Rate" means the rate set forth in the standardized Conversion Rate Table approved by the City pursuant to this Chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.
- E. "Covered Project" means a development project for which one or more building permits are required for new construction.

F. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

G. "Divert" means to use material for any lawful purpose other than disposal in a landfill or transformation facility.

H. "Diversion Requirement" means the diversion of at least fifty (50) percent of the total Construction and Demolition Debris generated by a Project via reuse or recycling, unless the Applicant has been granted an Exemption pursuant to Section 12.46.060 of this Chapter, in which case the Diversion Requirement shall be the maximum feasible diversion rate established by the Chief Building Official for the Covered Project.

12.46.020 Threshold for Covered Projects.

A. Covered Projects: Every construction, demolition and renovation project within the City which is 1,000 square feet or greater shall comply with this Chapter. All new non-residential buildings shall comply with Section 12.46.060.

B. Compliance as a Condition of Approval: Compliance with the provisions of this Chapter shall be listed as a condition of approval on any building or demolition permit issued for a Covered Project.

12.46.030 Submission of a Waste Management Plan.

A. Waste Management Plan Forms: Applicants for building or demolition permits for any Covered Project shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the City for this purpose. The completed WMP shall indicate all of the following:

1. The estimated volume or weight of project construction and demolition debris, by materials type, to be generated;

2. The estimated maximum volume or weight of such materials that can feasibly be diverted through material reuse;

3. The estimated maximum volume or weight of such materials that can feasibly be diverted through recycling;

4. The vendor and/or facility that the Applicant proposes to use to collect or receive said materials;

5. The estimated volume or weight of construction and demolition materials that will be land filled.

B. Calculating Volume and Weight of Debris: In estimating the volume or weight of materials identified in the WMP, the Applicant shall use the standardized Conversion Rates approved by the City for this purpose, which shall be provided to the Applicant with the WMP application form.

12.46.040 Review of a Waste Management Plan.

A. Approval: No building or demolition permit shall be issued for any Covered Project unless and until the Chief Building Official has approved the WMP application. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety, as determined by the Chief Building Official, Public Works Director or Fire Chief. The Chief Building Official shall only approve a WMP application if he or she first determines that all of the following conditions have been met:

1. The WMP application provides all of the information set forth in Section 12.46.030(A) of this Chapter; and

2. The WMP application indicates that at least fifty (50) percent of all construction and demolition debris generated by the Project will be diverted, and that for remodeling projects one hundred (100) percent of all cardboard, concrete, asphalt and metals will be diverted.

B. Non-approval: If the Chief Building Official determines that the WMP application is incomplete or fails to indicate that at least fifty (50) percent of all construction and demolition debris generated by the Project will be reused or recycled, he or she shall return the WMP application to the Applicant, including a statement of reasons and suspend issuance of building or demolition permit applications.

12.46.050 Compliance with a Waste Management Plan.

A. Documentation: Within thirty (30) days after completion of any Covered Project, the Applicant shall submit to the Chief Building Official documentation that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the Applicant has diverted at least fifty (50) percent of the total construction and demolition debris generated by the Project through material reuse or recycling, except that for residential and non-residential remodeling projects one hundred (100) percent of all cardboard, concrete, asphalt and metals shall be diverted, unless the Applicant has been granted an Exemption pursuant to Section 12.46.060 of this Chapter. This documentation shall include all of the following:

1. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of the material received;

2. A copy of the previously approved WMP application for the Project setting forth the actual volume or weight of each material diverted and land filled;

3. Any additional information the Applicant believes provides evidence of compliance with the provisions of this Chapter.

B. Weighing of Wastes: Applicants shall make reasonable efforts to ensure that all construction and demolition debris diverted or land filled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized Conversion Rates approved by the City for this purpose.

C. Determination of Compliance: The Chief Building Official shall review the information submitted under subsection (a) of this Section and determine whether the Applicant has complied with the Diversion Requirement.

D. Good Faith Effort to Comply: If the Chief Building Official determines that the Diversion Requirement has not been achieved, he or she shall determine on a case-by-case basis whether the Applicant has made a good faith effort to comply with this Chapter. In making this determination, the Chief Building Official shall consider the availability of markets for the construction and demolition debris, the size of the Project and the nature of its waste stream, and the documented efforts of the Applicant to divert construction and demolition debris, and this determination shall be made in writing with reasons stated, and shall be included in the building permit file.

12.46.060 Excavated Soil and Land Clearing Debris.

Construction projects including a new non-residential building shall recycle or reuse all excavated soils and rocks and all removed vegetation and stumps.

12.46.070 Exemption.

A. Application: If an Applicant for a Covered Project experiences unique circumstances that the Applicant believes makes it infeasible to comply with the Diversion Requirement, the Applicant may apply for an exemption at the time that he or she submits the WMP required under Section 12.46.030(A) of this Chapter. The Applicant shall indicate on the WMP the maximum rate of diversion that he or she believes is feasible for each material and the specific circumstances that he or she believes makes it infeasible to comply with the Division Requirement.

B. Meeting with Chief Building Official: The Chief Building Official shall review the information supplied by the Applicant and may meet with the Applicant to discuss possible ways of meeting the Diversion Requirement. Based on the information supplied by the Applicant, the Chief Building Official shall determine whether it is possible for the Applicant to meet the Division Requirement.

C. Granting of Exemption: If the Chief Building Official determines that it is infeasible for the Applicant to meet the Division Requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP application submitted by the Applicant. The Chief Building Official shall return a copy of the WMP application to the Applicant marked "Approved for Exemption" and place a copy in the building permit file.

D. Denial of Exemption: If the Chief Building Official determines that it is possible for the Applicant to meet the Division Requirement, he or she shall so inform the Applicant in writing. The Applicant shall have 30 days to resubmit a WMP application form in full compliance with Section 12.46.030(A) of this Chapter. If the Applicant fails to resubmit the WMP application, or if the resubmitted WMP application does not comply with Section 12.46.030(A) of this Chapter, the Chief Building Official shall deny the WMP application and suspend issuance of building or demolition permit applications.

DIVISION 12.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Building Code as adopted in Chapter 12.12 of the San Rafael Municipal Code and the Residential Code as adopted in Chapter 12.13, are reasonably necessary because of the following local climatic, geological and topographical conditions:

A. Climatic conditions:

1. Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds.

2. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

B. Geologic conditions:

1. San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.

2. Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

C. Topographic conditions:

1. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.

2. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

California Building Code
Section Numbers

Climatic, geological and
topographical conditions

501.2	Ia, IIa, IIIa
903.2	Ia, IIa, IIIa, IIIb
907.2.2.1	Ia, IIIa
1013.1	Ib, IIa
1026.6	IIa, IIb
1027.5.2	Ia, IIa, IIb, IIIb
1029.6	IIa, IIb
1406	Ia
1505.1	Ia, IIIa
1510	Ia, IIIa

California Residential Code
Section Numbers

Climatic, geological and
topographical conditions

R313.1	Ia, IIa, IIIa, IIIb
R313.2	Ia, IIa, IIIa, IIIb
R319.1	Ia, IIa, IIIa
R902.1.3	Ia, IIIa

The San Rafael City Council further finds pursuant to the California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 that the changes or modifications to the Green Building Standards Code as adopted in Chapters 12.23, 12.44, and 12.46 of the San Rafael Municipal Code, are reasonably necessary because of the following local climatic, geological and topographical conditions:

A. Consistent with the policies and programs of the San Rafael General Plan 2020, including Conservation Element Policy CON-18 (Resource-Efficient Building Design), Program CON-18a (Energy-Efficient Homes), Program CON-18b (Zoning and Building Code Review), Program CON-18c (Use of Alternative Building Materials), Policy CON-21 (Waste Reduction/Recycling), Program CON-21d (Demolition Waste), Policy CON-22 (Resource Efficiency in Site Development), and Air and Water Quality Element Policy AW-8 (Reduce Pollution from Urban Runoff) in that the proposed green building requirements will result in greater energy efficiency and water conservation, use of recycled and sustainably produced building materials and reduction in the waste stream through recycling and reuse of construction debris.

B. The proposed amendments will reduce impacts on respiratory health and chemical sensitivity of building occupants, reduce production of greenhouse gases, reduce impacts on wildlife and vegetative habitats and reduce generation and land filling of waste products.

C. The proposed amendments will increase building energy efficiency, which is necessary due to the following local climatic conditions:

1. Total energy consumption from residential structures in Marin County increased 18.5% between 1995 and 2000 and the energy use in residential and non-residential buildings within the City of San Rafael generated 34% of the city's total annual greenhouse gas emissions in 2005 and is forecasted to increase 9.6% for residential buildings and 13.1% for non-residential buildings between 2005 and 2020. The increased contribution to greenhouse gas production from local sources will contribute to overall climate change, resulting in the increased height of San Francisco Bay, more wild land fires, reduced water supply and significantly increased City costs for public services and infrastructure protection.

2. Predicted increases in summer temperatures and average annual temperatures will increase the need for air conditioning, thereby increasing average load demand and peak load demand for energy within San Rafael. This heightened demand increases the risk of power outages and power shortages, with associated adverse public safety and economic impacts. Decreasing energy consumption through energy efficiency and other green building techniques reduces each of these impacts.

3. Increasing summer and year-round temperatures also adversely affect the City's water supply, which is already subject to periodic drought conditions and potential water cutback. Decreasing water usage through conservation, sustainable landscaping, use of drought-tolerant and native plants, and other green building techniques reduces these adverse impacts.

4. Climate models predict a 4°F temperature increase in the next 20 to 40 years, with an increase in the number of long dry spells, as well as a 20-30% increase in precipitation in the spring and fall. More frequent and heavier precipitation cause flooding and mudslides, which would incur considerable costs in damages to property, infrastructure and even human life. In addition, the increase of wildfires due to continued dry periods and high temperatures is another expected impact of continued climate change. In these conditions, fires burn hotter and spread faster.

5. In conformance with Public Resources Code Section 25402.1(h)(2), Gabel Associates, LLC prepared a study which was submitted as evidence to the California Energy Commission which demonstrated the feasibility and cost-effectiveness of the proposed municipal code amendments, and the California Energy Commission on May 5, 2010 approved the San Rafael Green Building Code standards for local enforcement.

DIVISION 13.

The adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code §15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

DIVISION 14.

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Code hereby adopted are hereby repealed.

DIVISION 15.

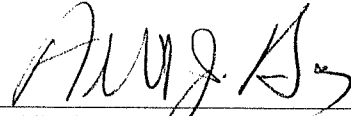
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 16.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council Meeting at which it is adopted.

This Ordinance shall be in full force and effective on January 1, 2011, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Council members voting for and against the Ordinance.


ALBERT J. BORO, Mayor


ATTEST:


ESTHER C. BEIRNE, City Clerk

The foregoing Ordinance No. 1889 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 1st day of November, 2010 and ordered passed to print by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Brockbank, Connolly, Heller, Levine & Mayor Boro
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the City Council to be held on the 15th day of November, 2010.


ESTHER C. BEIRNE, City Clerk

CALIFORNIA BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

(916) 263-0916 FAX (916) 263-0959



December 7, 2010

Mr. Thomas Ahrens, Chief Building Official
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Dear Mr. Ahrens,

This is to acknowledge receipt of the City of San Rafael submittal pertaining to Ordinance Numbers 1863 and 1864 with findings on November 8, 2010. As the law states, no local modification or change to the California Building Standards Code (Code) shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

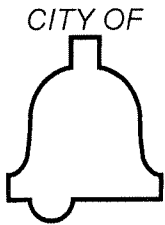
As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Jane G. Taylor
Senior Architect

cc: Chron
Local Filings



San Rafael

Mayor
Albert J. Boro

Council Members
Greg Brockbank
Damon Connolly
Barbara Heller
Marc Levine

November 5, 2010

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: Filing of City of San Rafael local amendments to Building and Fire Codes

Enclosed please find copies of our local adoptive ordinances for Title 24 Building Standards parts 2,3,4,5 & 9 for the 2007 editions. Facts and Findings are included in the ordinance documents as separate divisions.

Sincerely,

Thomas Ahrens, Chief Building Official

TA/mjh

Enclosures

- (1) Ordinance No. 1863 – Building Standards (Title 24 parts 2, 3, 4, & 5) local amendments
- (2) Ordinance No. 1864 – Fire Code (Title 24 part 9) local amendments

2010 NOV 10 PM 10:15
CITY OF SAN RAFAEL
RECEIVED

ORDINANCE NO. 1863

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.12, 12.14, 12.16, 12.20, 12.26 AND 12.28 THERETO, ADOPTING THE CALIFORNIA BUILDING CODE, 2007 EDITION, WITH AMENDMENTS, THE CALIFORNIAL MECHANICAL CODE, 2007 EDITION, WITH AMENDMENTS, THE CALIFORNIA PLUMBING CODE, 2007 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2007 EDITION, WITH AMENDMENTS, THE UNIFORM ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE, 1996 EDITION, WITH AMENDMENTS, THE UNIFORM HOUSING CODE, 1997 EDITION, WITH AMENDMENTS, THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2007 CALIFORNIA BUILDING CODE.

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Chapter 12.12 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.12

CALIFORNIA BUILDING CODE

Sections:

12.12.010 Adoption of “2007 California Building Code”, (based on the International Building Code, 2006 Edition, with California amendments), with amendments.

12.12.020 Amendments to the California Building Code

12.12.030 Enforcement and Penalties

12.12.010 Adoption of “2007 California Building Code”, (based on the International Building Code, 2006 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2007 California Building Code, (based on the International Building Code, 2006 Edition), Volume 1 and Volume 2, including the following appendices: Appendix Chapter 1, and appendices F, H, I and J as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the “California Building Code”, save and except such portions as are hereinafter changed or modified by Section 12.12.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.12.020 Amendments made to the California Building Code.

The California Building Code is amended or modified as follows:

Section 108.5.1 is amended to read as follows:

108.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section 108.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section 202 is amended to add the following definition:

Residential Kitchen. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food).

Section 501.2 is amended to read as follows:

501.2 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction or substantial remodels, and installed so as to remain illuminated at all times during hours of darkness. Number sizes shall be as follows: Minimum of one-half-inch (1/2") stroke by four inches (4") high minimum for residential applications, minimum one-half-inch (1/2") stroke by six inches (6") high minimum for commercial applications. Larger sizes may be required by the building official based on distance from the street or road fronting the property.

All structures abutting on any public or private street, avenue, drive, road, place or lane within the city shall be given and marked with an official number. The city engineer shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the city engineer.

If the owner or lessee of any building fails, refuses or neglects to place the number, or replace it when necessary, the city engineer may and upon order of the city council shall cause a notice to be personally served on such owner or lessee or mailed by registered mail to last known address, ordering him to place or replace the number. Such owner or lessee shall comply with such notice within ten days from the date of service.

501.2.1 Multi-Tenant buildings. Numbers or letters shall designate all separate occupancies within a building. Size shall be minimum one-quarter-inch (1/4") stroke by two inches (2") high and on a contrasting background for tenant spaces accessed from an interior corridor, and as indicated in Section 501.2 for spaces with exterior access doors. In multi-story or larger buildings, directional address numbers or letters shall be provided at a central location. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction or substantial remodels.

501.2.2 Rear addressing. When required by the building official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with Section 501.2.

Section 502.1 is amended as follows:

The definition of "GRADE PLANE" is amended to read as follows:

GRADE PLANE. Grade plane is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Section 903.2 is amended to read as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.
Exception 1: Freestanding Group U occupancies not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
Exception 2: Freestanding Group B or M occupancies not more than five hundred (500) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.
3. All other existing buildings, sprinkler systems may be required by the fire code official in accordance with the following:
 - a. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.
Exception: Group R, Division 3 occupancies where the "substantial remodel" is for fire or flood repair purposes only.
 - b. All buildings in excess of thirty-five hundred (3,500) square feet which have more than twenty percent (20%) floor area added within any three (3) year period.
Exception: Group R, Division 3 occupancies not located in a high fire hazard area and which have available fire flow from the nearest fire hydrant that is greater than the required minimum fire flow.
4. In all residential buildings required to be sprinklered above, attached garages and attics designed for storage, or containing mechanical equipment shall also be sprinklered. In all multi-unit residential occupancies, the attics shall be sprinklered.
5. Fire Sprinklers in Group R, Division 1 hotel occupancies shall be designed in accordance with NFPA 13.
6. All single family dwellings in excess of five thousand (5,000) square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13R.
7. All public storage facilities shall be provided with an automatic fire sprinkler system.
8. All buildings in which a change of use occurs which, in the opinion of the fire code official, results in a higher fire or life safety exposure where the area changing use is more than fifty percent (50%) of the total square footage of the building. Sprinkler system installation shall include the entire building that contains the new or changed occupancy occurs.

The requirements for fire sprinklering in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive substitution if otherwise allowed by the Building Code.

Section 907.2.2.1 is added to read as follows:

907.2.2.1 Smoke Detection in Office Uses. When corridors in a multi-story office building serve an occupant load of between thirty (30) and one hundred (100), and are not one-hour fire resistive construction with 20-minute rated doors, an automatic smoke detection system shall be provided in each office space that has less than a one-hour separating wall and/or any non-rated openings onto the corridor.

Section 907.2.10.5.3 (a) is amended as follows:

- (a) On or after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Health and Safety Code Section 19971, which is sold, shall have operable smoke detectors installed. The detectors shall be approved and listed by the state fire marshal and installed in accordance with section 907.1.10.1.2. Battery operated smoke detectors shall be deemed to satisfy the requirements of this section.

Section 1013.1 is amended by adding the following sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section 1406 is amended by adding the following subsection:

1406.2.1.3 Wood shake or shingle siding. In Very High Fire Severity zones, as reflected in the map entitled "City of San Rafael Wildland-Urban Interface", dated July 2, 2007, on file with the City Clerk, wood shake and wood shingles used as siding must be a minimum of Class B fire resistant treated material. Replacement of existing siding which exceeds 25% of the siding area must meet this requirement

Section 1505.1 is amended to read as follows:

1505.1 General. All new roof coverings shall be non-combustible or a Class A roof covering or Class A roof assembly. Roof coverings in Very High Fire Severity zones as reflected in the map entitled "City of San Rafael Wildland-Urban Interface", dated July 2, 2007, on file with the City Clerk, shall be noncombustible or a class A roof covering only. No wood shake or shingle roofs will be permitted in the Very High Fire Severity zones.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

Table 1505.1 is deleted.

Section 1510 is amended by adding the following subsection:

1510.1.1 Minimum Roofing Materials. The fire rating of all roofing materials used shall be as follows based on the percentage of the replacement area in any twelve (12) month period.

1. Less than twenty-five percent (25%) replaced--At a minimum, materials compatible with the existing roof shall be used.
2. Twenty-five percent (25%) to less than fifty percent (50%) replaced--At a minimum, a Class B roof covering shall be used.

3. Fifty percent (50%) or more replaced--A minimum of Class A roofing system, which complies with requirements for new construction as specified in section 1505.1.
4. In no case shall roofing materials used be less fire resistive than the existing roof.

Section 1806 is amended by adding the following subsection:

1806.2 Wooden retaining walls. Wooden retaining walls may not be used to support any permanent structure.

Appendix Chapter 1 is modified as follows:

Section 101.2 is amended by deleting the Exception, and adding the following sentence to read as follows:

This appendix chapter shall apply to all occupancies regulated by this code, and shall be in addition to those requirements specific to state regulated occupancies contained in Chapter 1 of this Code.

Section 103 is deleted.

Section 104.6 is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

Section 105.2 is amended as follows:

105.2 Building: (1) is revised to read as follows:

1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating appliances.

105.2 Building: (7) is revised to read as follows:

7. Painting, papering, tiling, carpeting, counter tops and similar finish work, except that restriping of parking lots shall require a permit.

105.2 Building: (14) is added to read as follows:

14. Decks or platforms which are less than 30" above grade plane, and are not a part of the means of egress for a normally occupied building.

Section 105.5 is amended by adding the following sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official/fire marshal, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal 100 dollars per day, for construction activities which occur beyond the term limit.

Section 108.2 is amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the San Rafael City Council from time to time.

Section 108.4 is amended to read as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to three times the amount of normal permit fee.

Section 112.3 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

Appendix J "GRADING" is amended as follows:

J103.3 Grading Permit Fees. Fees shall be as set forth in the Master Fee Schedule established by resolution of the San Rafael City Council as amended from time to time.

J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or corporation who has a valid building, demolition or grading permit shall permit any mud, loose dirt or debris to be removed from the job site and deposited on any public street or sidewalk.

12.12.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Building Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 2. Chapter 12.14 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.14

CALIFORNIA MECHANICAL CODE

Sections:

12.14.010 Adoption of "2007 California Mechanical Code", (based on the Uniform Mechanical Code, 2006 Edition, with California amendments), with amendments.

12.14.020 Amendments to the California Mechanical Code

12.14.030 Enforcement and Penalties

12.14.010 Adoption of "2007 California Mechanical Code", (based on the Uniform Mechanical Code, 2006 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2007 California Mechanical Code, (based on the Uniform Mechanical Code, 2006 Edition), including Appendix Chapter 1 as published by the International Association of Plumbing and Mechanical Officials, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 4, hereinafter referred to as the "California Mechanical Code", save and except such portions as are hereinafter modified or amended by Section 12.14.020 of this Chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.14.020 Amendments made to the California Mechanical Code.

The 2007 California Mechanical Code is amended or modified as follows:

Section 204.0 is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to be as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official/fire marshal or his duly authorized representative.

Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY -- The enforcing agency shall be the Building and Fire Prevention Division of the City of San Rafael.

Section 217.0 is amended as follows:

The definition of "OCCUPANCY CLASSIFICATION" is amended as follows:

OCCUPANCY CLASSIFICATION -- Occupancy classification shall be as defined in the California Building Code.

Appendix Chapter 1 is amended as follows:

Section 101.0 is amended to read as follows:

These regulations shall be known as the California Mechanical Code, may be cited as such, and will be referred to herein as "this code".

Section 102.0 is amended to add the following sentence:

This appendix chapter shall apply to all occupancies regulated by this code, and shall be in addition to those requirements specific to state regulated occupancies contained in chapter one of this Code.

Section 108.3 is amended to add the following phrase to the end of the last sentence:

" , including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

Section 110.1 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the Board of Appeals.

Section 113.1 is amended to read as follows:

113.1 Application. To obtain a permit, the applicant shall apply to the code enforcement agency for that purpose. Every such application shall:
(The remainder of this section is unchanged)

Section 115.1 is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Master Fee Schedule resolution of the City Council as amended from time to time.

Section 115.2 is amended to read as follows:

115.2 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefor, pay a fee, which fee shall be as set forth in the Master Fee Schedule resolution of the City Council as amended from time to time

Section 115.3 is deleted.

Section 115.6.1 is amended to read as follows:

115.6.1 The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 116.6 is amended to replace the third paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule resolution of the City Council as amended from time to time, and then schedule the inspection for the next normally available time.

Table 1-1 is deleted.

12.14.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Mechanical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 3. Chapter 12.16 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.16

CALIFORNIA PLUMBING CODE

Sections:

12.16.010 Adoption of “2007 California Plumbing Code”, (based on the Uniform Plumbing Code, 2006 Edition, with California amendments), with amendments.

12.16.020 Amendments to the California Plumbing Code

12.16.030 Enforcement and Penalties

12.16.010 Adoption of “2007 California Plumbing Code” (based on the Uniform Plumbing Code, 2006 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of health, safety, and the general welfare of the general public, that certain code known as the 2007 California Plumbing Code, (based on the Uniform Plumbing Code, 2006 Edition), including Appendix Chapter 1, and Appendices A, B, D, and L published by the International Association of Plumbing and Mechanical Officials, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the “California Plumbing Code”, save and except such portions as are hereinafter modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.16.020 Amendments to the California Plumbing Code.

The 2007 California Plumbing Code is amended or modified as follows:

Section 108.5.1 is amended to modify the first sentence to read as follows:

Section 108.5.1 General. Subject to the provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged)

Section 108.8.1 is amended by adding the following sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section 203.0 is amended to read as follows:

The definition of “AUTHORITY HAVING JURISDICTION” is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official/fire marshal or his duly authorized representative.

Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY -- The enforcing agency shall be the Building and Fire Prevention Division of the Community Development Department of the City of San Rafael.

Appendix Chapter 1 is amended as follows:

Section 101.1 is amended to read as follows:

These regulations shall be known as the California Plumbing Code, may be cited as such, and will be referred to herein as "this code".

Section 101.2 is amended by adding the following sentence:

This appendix chapter shall apply to all occupancies regulated by this code, and will be in addition to those requirements specific to state regulated occupancies contained in chapter one of this code.

Section 103.2.1 is amended to read as follows:

103.2.1 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:
(The remainder of this section is unchanged)

Section 103.4.1 is amended to read as follows:

103.4.1 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Master Fee Schedule resolution of the City Council as adopted from time to time.

Section 103.4.2 is deleted.

Section 103.4.5.2 is amended to read as follows:

103.4.5.2 The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 103.5.6 is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule resolution of the City Council as adopted from time to time, and then schedule the inspection for the next normally available time.

Table 1-1 is deleted.

12.16.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Plumbing Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 4. Chapter 12.20 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.20

CALIFORNIA ELECTRICAL CODE

Sections:

12.20.010 Adoption of “2007 California Electrical Code”, (based on the National Electric Code, 2005 Edition, with California amendments), with amendments.

12.20.020 Administration—Adoption of Uniform Administrative Code Provisions of the National Electrical Code, 1996 Edition.

12.20.030 Enforcement and Penalties

12.20.010 Adoption of the “2007 California Electrical Code”, (based on the National Electrical Code, 2005 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the general welfare of the general public, that certain code known as the “2007 California Electrical Code”, (based on the National Electrical Code, 2005 Edition), as published by the National Fire Protection Association, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the “California Electrical Code”, save and except such portions as are hereinafter-modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.20.020 Administration--Adoption of Uniform Administrative Code Provisions for the National Electrical Code, 1996 Edition.

(a) in order to facilitate the enforcement of the California Electrical Code, the city council hereby adopts that certain code known as the Uniform Administrative Code Provisions for the National Electrical Code, 1996 Edition, as published by the International Conference of Building Officials, save and except such portions as are hereinafter deleted, added thereto, changed or amended by Section 12.20.020(b). Not less than one copy of said code shall be maintained by the office of the city clerk.

(b) The Uniform Administrative Code Provisions for the National Electrical Code, 1996 Edition, is amended as follows:

Section 101 is amended to read as follows:

Section 101—Title

These regulations shall be known as the "Administrative Code Provisions for the California Electrical Code"

Section 101.1 is added to read as follows

101.1 General. The Administrative Code Provisions for the California Electrical Code shall apply to all occupancies regulated by this code, and will be in addition to those requirements specific to state regulated occupancies contained in Article 89 of this Code.

Section 103 is amended as follows:

The definition of "Building Code" is amended as follows:

BUILDING CODE is the California Building Code.

The definition of "Electrical Code" is amended as follows:

ELECTRICAL CODE is the California Electrical Code.

The definition of "Code Enforcement Agency" is amended as follows:

CODE ENFORCEMENT AGENCY is the Building and Fire Prevention Division of the Community Development Department of the City of San Rafael.

Section 201.3 is amended to modify the last sentence to add the following phrase:

" , including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

Section 203.1 is amended by adding thereto the following:

"Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals."

Section 302.1 is amended to read as follows:

302.1 Application. To obtain a permit, the applicant shall apply to the code enforcement agency for that purpose. Every such application shall:
(The remainder of this section is unchanged)

Section 304.1 is amended to read as follows:

Section 304.1. Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee as set forth in the Master Fee Schedule resolution of the City Council as adopted from time to time.

Section 304.2 is deleted.

Section 305.4 is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule resolution of the City Council as adopted from time to time, and then schedule the inspection for the next normally available time.

Table 3-A “Electrical Permit Fees” is deleted.

12.20.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Electrical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 5. Chapter 12.26 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.26

UNIFORM HOUSING CODE

Sections:

12.26.010 Adoption of Uniform Housing Code, 1997 Edition, with amendments.

12.26.020 Amendments to Uniform Housing Code.

12.26.030 Enforcement and Penalties

12.26.010 Adoption of Uniform Housing Code, 1997 Edition, with amendments.

The city council adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the general welfare of the general public, that certain code known as the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, hereinafter referred to as the “Uniform Housing Code,” save and except such portions as are hereinafter changed, added to or amended by Section 12.26.020 of this chapter.

12.26.020 Amendments to Uniform Housing Code.

The Uniform Housing Code is amended or modified as follows:

Section 103 is amended to revise the second sentence of the first paragraph to read as follows:

Such occupancies in existing buildings may be continued as provided by the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations, except such structures as are found to be substandard as defined by this code.

Section 104.1 is amended to read as follows:

Section 104.1 Additions, Alterations or Repairs. All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

Section 201.1 is amended to revise the first paragraph to read

The building official and the code enforcement manager, and their designees, are hereby authorized and directed to enforce all of the provisions of this code. For such purposes, such officials shall have the powers of law enforcement officers.

Section 201.2 is amended to read as follows:

Section 201.2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

Section 203.1 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the housing advisory and appeals board.

Section 301 is amended to read as follows:

SECTION 301—GENERAL

No building or structure regulated by this code shall be erected, constructed, enlarged altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained as required by the Building Code.

Section 302 is deleted.

Section 303 is amended to read as follows:

SECTION 303-INSPECTION

Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official and the code Enforcement Manager as provided by this code and in accordance with the applicable requirements of the Building Code.

Section 401 is amended as follows:

The definition of "Building Code" in Section 401 is amended to read as follows:

BUILDING CODE is the California Building Code as adopted with amendments by the City of San Rafael.

A definition for "Building Official" is added to Section 401 to read as follows:

BUILDING OFFICIAL is the Chief Building Official/Fire Marshal in the Community Development Department of the City of San Rafael.

A definition for "Code Enforcement Manager" is added to Section 401 to read as follows:

CODE ENFORCEMENT MANAGER is the Code Enforcement Manager in the Community Development Department of the City of San Rafael.

The definition of "Mechanical Code" in Section 401 is amended to read as follows:

MECHANICAL CODE is the California Mechanical Code as adopted with amendments by the City of San Rafael.

The definition of "Plumbing Code" in Section 401 is amended to read as follows:

PLUMBING CODE is the California Plumbing Code as adopted with amendments by the City of San Rafael.

Section 501 is amended to read as follows:

SECTION 501—LOCATION ON PROPERTY

All buildings shall be located with respect to property lines and to other buildings on the same property in accordance with the applicable requirements of the Building Code.

Section 504.4 is amended to read as follows:

504.4 Hallways. All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with the applicable requirements of the Building Code.

Section 504.5 is amended to read as follows:

505.5 Water Closet Compartment. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the applicable requirements of the Building Code.

Section 801 is amended to revise the second sentence to read as follows:

All buildings or portions thereof shall be provided with exits, exitways and appurtenances in accordance with the applicable requirements of the Building Code.

Section 901 is amended to read as follows:

SECTION 901—GENERAL

All buildings or portions thereof provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on the property, and shall be provided with the appropriate fire-extinguishing systems or equipment in accordance with the applicable requirements of the Building Code.

12.26.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, both the building official and code enforcement manager shall the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the Uniform Housing Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code

DIVISION 6. Chapter 12.28 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.28

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

**12.28.010 Adoption of Uniform Code for the Abatement of Dangerous
Buildings, 1997 Edition, with amendments.**

**12.28.020 Amendments to the Uniform Code for the Abatement of
Dangerous Buildings.**

12.28.030 Enforcement and Penalties

**12.28.010 Adoption of Uniform Code for the Abatement of Dangerous
Buildings, 1997 Edition, with amendments.**

The city council adopts, for the purpose of providing a just, equitable and practicable method whereby buildings or structures which endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished, that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials, hereinafter "Uniform Code for the Abatement of Dangerous Buildings," save and except such portions as are hereinafter changed, added thereto, or amended by Section 12.28.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

**12.28.020 Amendments to the Uniform Code for the Abatement of Dangerous
Buildings.**

The Uniform Code for the Abatement of Dangerous Buildings is amended or modified as follows:

Section 103 is amended to read as follows:

SECTION 103—ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

Section 201.3. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

Section 203 is deleted.

Section 204 is amended to read as follows:

SECTION 204—INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official as provided in this code and in accordance with the applicable requirements of the Building Code.

Section 205 is amended by adding thereto the following:

Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the Board of Appeals.

Section 301 is amended as follows:

The definition of "Building Code" is amended to read as follows:

BUILDING CODE is the California Building Code as adopted with amendments by the City of San Rafael.

A definition of "Building Official" is added to read as follows:

BUILDING OFFICIAL is the Chief Building Official/Fire Marshal in the Community Development Department of the City of San Rafael.

12.28.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the Uniform Code for the Abatement of Dangerous Buildings as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code

DIVISION 7. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Building Code as adopted in Chapter 12.12 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

- a. Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds.
- b. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

II. Geologic conditions:

- a. San Rafael lies near several earthquake faults, including the very active San Andreas fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b. Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

- a. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.
- b. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Section Number	Climatic, geological and topographical condition
501.2	Ia, IIa, IIIa
903.2	Ia, IIa, IIIa, IIIb
907.2.2.1	Ia, IIIa
1013.1	Ib, IIa
1026.6	IIa, IIb
1027.5.2	Ia, IIa, IIb, IIIb
1406	Ia
1505.1	Ia
1510	Ia

DIVISION 8. All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Code hereby adopted are hereby repealed.

DIVISION 9. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 10. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council Meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Council members voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Council members voting for and against the Ordinance.

ALBERT J. BORO, Mayor

Attest:

JEANNE M. LEONCINI, City Clerk

The foregoing Ordinance No. 1863 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 5th day of November, 2007 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the council to be held on the 19th day of November, 2007.

JEANNE M. LEONCINI, City Clerk

ORDINANCE NO. 1864

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08 THERETO, ADOPTING THE CALIFORNIA FIRE CODE, 2007 EDITION, WITH AMENDMENTS, AND PORTIONS OF THE 2000 UNIFORM FIRE CODE, WITH AMENDMENTS; ADOPTING ENFORCEMENT, PENALTY AND APPEALS PROVISIONS FOR SUCH CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Title 4, Chapter 4.08 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

CHAPTER 4.08. FIRE CODE

Sections:	4.08.010	Purpose.
	4.08.020	Adoption of the California Fire Code, 2007 Edition with Amendments, and adoption of portions of the Uniform Fire Code, 2000 edition.
	4.08.030	Definitions.
	4.08.040	Enforcement of the Fire Code
	4.08.050	Authority to arrest and issue citations.
	4.08.060	Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.
	4.08.070	Restrictions on the storage and dispensing of liquefied petroleum gases.
	4.08.080	The storage of explosives and blasting agents within City Limits is prohibited.
	4.08.090	Restrictions on storage of compressed natural gas.
	4.08.100	Restrictions on storage of stationary tanks of flammable cryogenic fluids.
	4.08.110	New materials, processes or occupancies which may require permits.
	4.08.120	Amendments made to the Fire Code.
	4.08.130	Enforcement and Penalties.
	4.08.140	Appeals.

4.08.10 Purpose.

The 2007 California Fire Code, and portions of the 2000 Uniform Fire Code as described in Section 4.08.020 are adopted for the following purposes:

1. To prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake and other disasters;
2. To provide for permits as prescribed herein;
3. To establish and maintain a Fire Prevention Bureau;
4. To provide penalties for violations of this chapter.

4.08.020 Adoption of the California Fire Code, 2007 Edition with Amendments, and adoption of portions of the Uniform Fire Code, 2000 edition.

The City Council hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code which contains building standards known as the 2007 California Fire Code (International Fire Code, 2006 Edition as amended by the State of California) as published by the California Building Standards Commission, together with appendices 1, 4, B, C, and D thereto; and the following appendices to the Uniform Fire Code 2000 edition; I-A, II-A, II-B, II-C, III-D, IV-A, V-A, VI-B; save and except such portions as are herein deleted, modified or amended.

4.08.030 Definitions.

- A. Except as words are defined in section 4.08.120 of this section, the words used in this chapter and in the adopted codes listed in 4.08.020 shall have the meaning as defined below.

The following words are defined:

1. Whenever the words "Building Code" are used, they shall mean the California Building Code, as adopted by the City of San Rafael, with amendments.
2. Whenever the words "Fire Code" are used, they shall mean those codes and standards adopted in section 4.08.020, with amendments.
3. Whenever the word "Jurisdiction" is used, it shall mean the City of San Rafael.

4.08.040 Enforcement of the Fire Code.

- A. The Fire Chief, Chief Building Official/Fire Marshal, or their authorized representatives, shall enforce those portions of the Fire Code over which they have responsibility as provided in the Fire Code and in this Chapter.

- B. The Chief Building Official/Fire Marshal shall be responsible for enforcement of building regulations relating to fire and panic safety for R-3 dwellings and for other buildings subject to regulation by the City, as provided by Health & Safety Code Sections 13145, 13146, 13146.2, 13146.3, 13146.5 and Government Code Section 34004.

4.08.050 Authority to arrest and issue citations.

- A. The Fire Chief, Chief Building Official/Fire Marshal, and their authorized representatives shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the Fire Code, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.
- B. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

4.08.060 Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.

- A. Pursuant to Sections 3404.2.9.5.1 and 3406.2.4.4 of the Fire Code, except as provided in Subsection B of this Section, the storage of flammable and combustible liquids outside buildings in aboveground tanks is prohibited in all areas of the City.
- B. Providing storage of flammable and combustible liquids (Class I and II) is within a protected aboveground fuel storage tank as defined by Appendix II-F of the Fire Code, such storage and quantities are permitted in the following districts as defined in Title 14 of the Municipal Code:
 - 1. Districts designated as I, LI/O, M, MC, or CCI/O shall be permitted to have a maximum of ten thousand (10,000) gallons at any one site.
 - 2. Districts designated as PD, providing that they are industrial use in nature, shall be permitted to have ten thousand (10,000) gallons at any one site.
 - 3. Districts designated as GC, C/O, FBWC, or PD (providing that they are commercial use) shall be permitted to store a maximum of five thousand (5,000) gallons at any one site.
 - 4. Discretion may be exercised by the Chief Building Official/Fire Marshal to increase the maximum capacities allowed by this section, in accordance with regulations and standards adopted by the Chief Building Official/Fire Marshal to protect against any increased hazards to life or property.
- C. Bulk plants for the storage of flammable or combustible liquids are prohibited within the City.

- D. Prior to the Chief Building Official/Fire Marshal authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

4.08.070 Restrictions on the storage and dispensing of liquefied petroleum gases (LPG).

- A. Pursuant to Section 3804.2 of the Fire Code, except as provided in Subsection B of this Section, the storage of LPG is prohibited in all areas of the City.
- B. Storage, limited to one thousand (1,000) gallons of LPG at any one site, is permitted in the following districts as defined in Title 14 of the Municipal Code, except that up to one thousand five hundred (1,500) gallons of LPG may be permitted at any one site, provided that the LPG storage tank system is protected in a manner approved by the Chief Building Official/Fire Marshal:
 - 1. Districts designated as I, LI/O or CCI/O;
 - 2. Districts designated as PD, providing that they are industrial use in nature;
 - 3. Districts designated as GC, C/O, FBWC, HO, 2/3 MUE, 2/3 MUW, M, MC or PD (providing that they are commercial use) only if the tank system is wholly protected in a manner approved by the Chief Building Official/Fire Marshal.
- C. The storage of any LPG tank system in any residential district is prohibited unless there are no natural gas lines available to be connected to the residence.
- D. The dispensing of LPG is prohibited in all districts except such dispensing is permitted in those districts outlined in Subsection B of this Section.
- E. Exceptions to the Restrictions.
 - 1. Limited quantities only when used in conjunction with home LPG barbecues, recreational vehicles or similar uses;
 - 2. Limited quantities only when used in conjunction with LPG driven vehicles;
 - 3. Limited quantities only when used in conjunction with construction projects for which a Building Permit has been issued;
 - 4. Existing bulk LPG facilities shall be able to continue their use and shall be able to relocate their facilities with the express permission of the Chief Building Official/Fire Marshal and the City Council.
- F. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

The storage of explosives and blasting agents within City Limits is prohibited.

There shall be no manufacture or storage of explosives or blasting agents within jurisdiction limits.

4.08.090 Restrictions on storage of compressed natural gas.

Compressed natural gas facilities are prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/0 or CCI/0;
2. Districts designated as PD providing that they are industrial use in nature.

4.08.100 Restrictions on storage of stationary tanks of flammable cryogenic fluids

Pursuant to Section 3204.3.1.1, the storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/0 or CCI/0;
2. Districts designated as PD providing that they are industrial use in nature.

4.08.110 New materials, processes or occupancies which may require permits.

The Chief Building Official/Fire Marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, process or occupancies which shall require permits in addition to those now enumerated in the Fire Code. The Chief Building Official/Fire Marshal shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

4.08.120 Amendments to the Fire Code.

The 2007 California Fire Code is amended or modified as follows:

Section 111.2.1 is amended to read as follows:

111.2.1 Enforcement.

Pursuant to Health & Safety Code Sections 13146 and 13146.5, and Government Code Section 34004, the responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, for R-3 dwellings and all buildings subject to regulation by the City, shall be the Chief Building Official/Fire Marshal of the City.

Section 202 is hereby amended by adding the definition of "Fire Code Official" as follows:

FIRE CODE OFFICIAL. Fire Code Official shall mean the Chief Building Official/Fire Marshal.

Section 202 is hereby amended by adding the definition of "Fire Prevention Standards" to read as follows:

FIRE PREVENTION STANDARDS. Fire prevention standards shall mean those supplemental rules and regulations that have been developed by the Fire Prevention Bureau and approved by the Chief Building Official/Fire Marshal to provide additional guidance and interpretation of this code.

Section 202 is hereby amended by adding the definition of "Public Storage Facility" as follows:

PUBLIC STORAGE FACILITY. A public storage facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 202 is hereby amended by adding the definition of "Spark Arrester" as follows:

SPARK ARRESTER. Spark arrester shall mean a chimney device constructed in a workmanlike manner to prevent the escape of embers from the chimney. The net free area of a spark arrester shall not be less than four (4) times the net free area of the outlet of the chimney. The spark arrester shall be constructed of stainless steel, aluminum, copper, brass or woven galvanized wire mesh 19-gauge minimum with 3/8" minimum to 1/2" maximum openings. The spark arrester shall be mounted over all outside flue openings and adequately supported to prevent movement. The spark arrester shall be visible from the ground.

Section 202 is hereby amended by adding the definition of "Substantial Remodel" as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the renovation of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section 202 is hereby amended by adding the definition of "Temporary" as follows:

TEMPORARY. Temporary shall mean any occupancy or use for a period of less than one hundred eighty (180) days.

Section 302.1 is amended by adding the following definition:

FIREWORKS. Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation and any "safe and sane" fireworks as defined by section 12529 of the State of California Health and Safety Code.

Sections 316 is added to read as follows:

Sections 316

Fireworks

Section 316.1 General. The manufacture, storage, sale, possession, handling or use of all fireworks as defined in Section 302.1 is prohibited except as permitted by the Fire Code Official for approved public display.

Section 316.2 Seizure. The Fire Chief or Fire Code Official or their authorized agents shall seize, remove or cause to be removed at the expense of the owner or person(s) in possession all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

Section 502.1 is hereby amended by adding the definition of "Fire Road" to read as follows:

FIRE ROAD shall mean any improved or unimproved road, public or private, that provides access for firefighting equipment and personnel to undeveloped areas.

Section 503.1.4 is hereby amended by adding a subsection thereto to read as follows:

503.1.4 Fire Roads. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the City so as to gain access to improved, unimproved, and undeveloped areas in a manner approved by the Fire Chief and Fire Code Official. Any vehicle causing an obstruction to Fire Department access may be towed away at the owner's expense.

Section 503.2.6.1 is hereby added to read as follows:

503.2.6.1 Load testing. Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Chief.

Section 503.4 is amended by adding a sentence thereto to read as follows:

Any vehicle causing such an obstruction may be towed away at the owner's expense.

Section 505.1 is amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction or substantial remodels. Number sizes shall be as follows: Minimum of one-half-inch (1/2") stroke by four inches (4") high minimum for residential applications, minimum one-half-inch (1/2") stroke by six inches (6") high minimum for commercial applications. Larger sizes may be required by the Fire Code Official based on distance from the street or road fronting the property. All structures abutting on any public or private street, avenue, drive, road, place or lane within the City shall be given and marked with an official number. The City Engineer shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the City Engineer.

If the owner or lessee of any building fails, refuses or neglects to place the number, or replace it when necessary, the City Engineer may and upon order of the City Council shall cause a notice to be personally served on such owner or lessee or mailed by registered mail to last known address, ordering him to place or replace the number. Such owner or lessee shall comply with such notice within ten days from the date of service.

505.1.1 Multi-Tenant buildings. Numbers or letters shall designate all separate occupancies within new or existing multi-tenant buildings. Size shall be minimum one-quarter-inch (1/4") stroke by two inches (2") high and on a contrasting background for tenant spaces accessed from an interior corridor, and as indicated in Section 505.1 for spaces with exterior access doors. In multi-story or larger buildings, directional address numbers or letters shall be provided at a central location. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction or substantial remodels.

505.1.2 Rear addressing. When required by the Fire Code Official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire

apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with Section 505.1.

Section 506.1 is amended by adding thereto the following:

All buildings, except single family dwellings, which have installed therein automatic supervised products of combustion fire detection and alarm system, automatic fire sprinkler system or a security gate, shall have installed an approved key entry system.

All facilities that are required to submit Hazardous Materials Business Plans shall have installed a key entry system approved by the Fire Code Official for access to the facility and all buildings at the facility.

All electronic operated vehicular gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Fire Code Official. All electronic or motorized vehicular gates shall incorporate in their design a means for fast, effective manual operation of the gates in the event of power or mechanical failure (e.g., easily removable hinge pins for separating powered linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open).

Section 508.5.1.1 is added to read as follows:

508.5.1.1 Fire Hydrant Upgrades. When additions or alterations to structures are made, the nearest hydrant (if a new one is not otherwise required) shall be upgraded to the minimum standard of one 4 ½ " outlet and one 2 ½ " outlet for single family dwellings, or to one 4 ½ " outlet and two 2 ½ " outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds two percent (2%) of the cost of the project based on the Building Permit valuation.

Section 510.1.1 is added to read as follows:

510.1.1. Utility identification. In multi-unit commercial and residential buildings, gas and electric meters, service disconnect switches and shut-off valves shall be clearly, legibly and permanently identified in an approved manner to indicate the unit or space that it serves.

Section 806.1.1. Exception 1 shall be amended to read as follows:

1. Trees which have been treated with a State Fire Marshal approved flame retardant. Treated trees shall bear a tag stating the type of flame

retardant used, name of the person who applied the retardant and location of treating facility.

Section 903.2 is amended to read as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

Exception 1: Freestanding Group U occupancies not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

Exception 2: Freestanding Group B or M occupancies not more than five hundred (500) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.

3. All other existing buildings, sprinkler systems may be required by the Fire Code Official in accordance with the following:

- i. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.

Exception: Group R, Division 3 occupancies where the "substantial remodel" is for fire or flood repair purposes only.

- ii. All buildings in excess of thirty-five hundred (3,500) square feet which have more than twenty percent (20%) floor area added within any three (3) year period.

Exception: Group R, Division 3 occupancies not located in a high fire hazard area and which have available fire flow from the nearest fire hydrant that is greater than the required minimum fire flow.

4. In all residential buildings required to be sprinklered above, attached garages and attics designed for storage, or containing mechanical equipment shall also be sprinklered. In all multi-unit residential occupancies, the attics shall be sprinklered.

5. Fire Sprinklers in Group R, Division 1 hotel occupancies shall be designed in accordance with NFPA 13.

6. All single family dwellings in excess of five thousand (5,000) square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13R.

7. All public storage facilities shall be provided with an automatic fire sprinkler system.

8. All buildings in which a change of use occurs which, in the opinion of the Fire Code Official, results in a higher fire or life safety exposure where the area changing use is more than fifty percent (50%) of the total square footage of the building. Sprinkler system installation shall include the entire building that contains the new or changed occupancy occurs.

The requirements for fire sprinklering in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive substitution if otherwise allowed by the Building Code.

Section 907.2.2.1 is added to read as follows:

907.2.2.1 Smoke Detection in Office Uses. When corridors in a multi-story office building serve an occupant load of between thirty (30) and one hundred (100), and are not one-hour fire resistive construction with 20-minute rated doors, an automatic smoke detection system shall be provided in each office space that has less than a one-hour separating wall and/or any non-rated openings onto the corridor.

Section 907.2.10.5.3 (a) is amended as follows:

(a) On or after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Health and Safety Code Section 19971, which is sold shall have operable smoke detectors installed. The detectors shall be approved and listed by the State Fire Marshal and installed in accordance with section 907.1.10.1.2. Battery operated smoke detectors shall be deemed to satisfy the requirements of this section.

Section 907.20.6 is added to read as follows:

907.20.1 Malfunctioning fire alarms. Owners of properties with a fire alarm system shall be responsible for maintaining the system in accordance with section 907.20.5. When three (3) or more malfunctioning fire alarm activations occur within one (1) calendar year, a fee may be assessed per the current adopted Master Fee Schedule for each subsequent malfunctioning alarm where Fire Department response occurs.

Section 1013.1 is amended by adding the following sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section 1026.6 is added to read as follows:

1026.6 -- Hotel window fall prevention. Operable windows in hotels located within this jurisdiction shall be in accordance with this section.

1026.6.1 New Hotels. All new hotels, on all floors, shall have window stops installed to prevent the windows from being opened more than four inches (4") when the window sill height is less than forty-two inches (42") above the floor.

1026.6.2 Existing Hotels. All existing hotels shall have window openings that comply with the following:

1026.6.2.1 Floors One through Three. All existing hotels, on floors one through and including three, shall have no operable window openings such that the bottom edge of the opening, on the interior of the room, is less than forty-two inches (42") above the floor level.

Exception 1: If the level of the ground or walkway on the exterior of the room is no more than thirty inches (30") below the window sill.

Exception 2: If automatic fire sprinklers are installed throughout the building, window stops may be installed to limit the opening to no more than four inches (4").

1026.6.2.2 Floors above the Third Floor. All existing hotels, on floors above the third floor, shall have window stops installed to prevent the windows from being opened more than four (4) inches if window sill heights are less than forty-two inches (42") above the floor.

1026.6.3 Clear Area Adjacent to Window Opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section 1027.5.2 is added to read as follows:

1027.5.2 Change of Ownership. Buildings, portions of buildings, or occupancies shall meet the requirements of Section 1027.5 upon a change of ownership.

Section 3404.3.3.11 is added to read as follows:

3404.3.3.11. Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for normal maintenance of the facility.

Section 104.1.1 of Appendix Chapter 1 is added to read as follows:

104.1.1 Authority of the Fire Chief and Chief Building Official/Fire Marshal.

104.1.1.1 Fire Chief.

Under the Fire Chief's direction, the Fire Department is authorized to enforce the provisions of this code and other ordinances of the City pertaining to:

1. The suppression or extinguishment of dangerous or hazardous fires.
2. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.
3. Those other matters in this code assigned to the Fire Chief.

104.1.1.2 -- Chief Building Official/Fire Marshal.

The Chief Building Official/Fire Marshal is authorized to enforce the provisions of this code pertaining to:

1. The prevention of fires.
2. The storage, use and handling of hazardous materials.
3. The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.
4. The maintenance and regulation of fire escapes.
5. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
6. The maintenance of means of egress, and
7. Those other matters in this code assigned to the Chief Building Official/Fire Marshal.

104.1.1.3 Fire Chief and Chief Building Official/Fire Marshal; Police Powers. The Fire Chief and Chief Building Official, and their authorized representatives, shall have the powers of a police officer in performing their duties under this code. When required to do so by the Fire Chief or Chief Building Official/Fire Marshal, the Chief of Police is authorized to assign such available police officers as necessary to assist them in enforcing the provisions of this code.

Section 104.12 of Appendix Chapter 1 is added to read as follows:

104.12 Liability of Persons Causing a Fire Department Response. The costs and expenses of a Fire Department Response (incident) that is within the responsibility for enforcement of the Fire Chief shall be a debt owed to the City by the person who caused the incident. Such response costs and expenses shall include, but not be limited to, Fire Department equipment and personnel committed to the incident, and any payments made by the City to outside business firms to secure, investigate and monitor remediation and cleanup of the incident. The City shall compute and bill the responsible party for such response costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 (A). Upon failure to pay the response costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such response costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

Section 105.1.4 of Appendix Chapter 1 is added to read as follows:

105.1.4 Permit fees. The fees for permits and other services shall be as established in the Master Fee Schedule established by resolution of the San Rafael City Council as amended from time to time. The fee shall be set to cover the cost to review and inspect the intended activities, operations or functions. The fees must be paid to the City prior to engaging in the activities, operations or functions.

Exception: The applicant for a given permit shall be exempt from payment when the event is sponsored by the City, or work to be conducted is located on properties owned by the City of San Rafael.

All fire permits and fire construction permits shall have a set number of inspections per permit. Additional inspections and additional re-inspections will be billed at an hourly rate consistent with the Master Fee Schedule established by resolution of the San Rafael City Council as amended from time to time.

Application for "event" type permits (ie: Assembly, Pyrotechnic, Tents, etc.) shall be submitted at least ten (10) days prior to the event date. Applications submitted less than ten (10) days prior to the event date shall be charged one and one-half (1½) times the regular permit rate.

"After Hours" inspections shall be charged at a rate of one and one-half (1½) times the normal hourly rate. "After Hours" inspections will be billed at three (3) hours minimum. "After Hours" inspections are defined as inspections conducted outside of normal business hours.

Appendix D -- Section D105 is amended to read as follows:

503.1.5 Ladder Truck Access. For buildings more than three (3) stories

in height, or greater than thirty-five (35) feet in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Chief or Fire Code Official. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

The adopted appendices to the Uniform Fire Code, 2000 edition are amended as follows:

Appendix II-A, Section 7 – SPARK ARRESTORS is amended to read as follows:

SECTION 7 – SPARK ARRESTERS

All chimneys used in conjunction with fireplaces, barbecues, incinerators, decorative wood burning appliances or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within the jurisdiction shall be provided with spark arresters as defined in Section 202.

Appendix II-A, Section 16.2, is amended to read as follows:

16.2 Corrective Action. Failure to comply with the requirements of Section 16.1 shall be deemed a public nuisance. Whenever the Fire Chief determines that there is substantial evidence of a failure to comply with Section 16.1, he shall cause a written Notice of Hearing to be posted on the affected property, and to be served by regular US Mail on the property owner at the address shown on the County Assessor records. Said Notice of Hearing shall specify the conditions violating Section 16.1, and the date, time and place at which the Fire Chief will hear evidence from the property owner and all interested persons on the existence of a public nuisance on the affected property. The hearing date shall be scheduled no sooner than ten (10) days following posting and service of the Notice of Hearing. Following the hearing, the Hearing Officer shall render a written Decision, which shall be final. If the Hearing Officer finds that a public nuisance does exist, the Decision shall contain an order directing the property owner to abate such public nuisance on or before a specified date. A copy of the Decision shall be posted on the affected property and served by regular US Mail on the property owner as provided above. If the property owner fails to abate the public nuisance by the specified date contained in the Decision, the Fire Chief is authorized to cause the nuisance to be abated, and Fire Department employees, agents and contractors are expressly authorized to enter upon the affected property for that purpose. The Fire Chief shall keep an account of the abatement costs and shall prepare an itemized report concerning same. The rates and charges for such abatement shall be established by City Council Resolution. The cost of such abatement and related administrative costs, including any attorney time, shall constitute a nuisance abatement lien on the affected property as more particularly set forth in Government Code Section

38773.1, and a special assessment against the affected property which may be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.1. At least thirty (30) days prior to the recordation of the lien, or submission of the report to the County Tax Collector for collection of a special assessment, the property owner shall receive notice from the Fire Department of the Fire Department's intention to charge the property owner for the aforementioned abatement and related administrative costs. The property owner may appeal to the Fire Chief within fifteen (15) days of the date of the notice and request a hearing prior to the recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. The decision by the Fire Chief shall be final. In addition to the foregoing, the Fire Department is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property.

Appendix II-C, Section 6.2.1 is amended to read as follows:

6.2.1. **General.** Portions of floats more than one hundred fifty feet (150') from fire apparatus access and marine motor vehicle fuel-dispensing stations shall be equipped with an approved wet standpipe system in accordance with the Building Code.

4.08.130 Enforcement and Penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the Fire Chief and the Chief Building Official/Fire Marshal shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the Fire Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

D. Nothing contained in Subsections A through C of this Section shall be construed or interpreted to prevent the City from recovering all costs associated with a Fire Department response as described in Section 101.5.2 of the Fire Code.

E. Any violation of any provision of this chapter shall constitute a public nuisance, and shall entitle the City to collect the costs of abatement and related administrative costs, by a code enforcement assessment lien and special assessment pursuant to Section 1.46.160 of the San Rafael Municipal Code, or by a nuisance abatement lien and special assessment pursuant to Government Code Sections

38773.1 and 38773.5. Prior to recordation of such a lien or processing such a request for special assessment, the City shall give written notice to the record owner of the affected property. In addition, the City shall be entitled to collect such abatement costs and related administrative costs, together with litigation costs and attorneys' fees, in a civil action pursuant in Section 1.42.020 of the San Rafael Municipal Code.

4.08.140 Appeals.

A. Any person receiving a bill for Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing, the Hearing Officer shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the Hearing Officer.

B. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within ten (10) days from the date of the decision. The provisions of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in Item 16.2 of Appendix II-A of the Fire Code, as amended in Section 4.08.120 of this code, or to matters for which an appeal is provided pursuant to 4.08.140(A) above.

DIVISION 2.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions.

Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Fire Code as adopted in Title 4 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions

- a. Most of the annual rainfall in San Rafael occurs during the winter; it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other

months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds.

- b. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

II. Geologic conditions

- a. San Rafael lies near several earthquake faults, including the very active San Andreas fault; there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b. Many areas of the City, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions

- a. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.
- b. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Section Number	Climatic, geological and topographical condition
316	Ia, IIa, IIb, IIIa, IIIb
503.1.5	Ia, Ib, IIa, IIIa
505.1	Ia, IIa, IIIa
506.1	Ia, IIa, IIb
508.5.1.1	Ia, IIIa

510.1.1	Ia, IIa, IIb, IIIa
903.2	Ia, IIa, IIIa, IIIb
907.2.2.1	Ia, IIIa
907.2.10.5.3 (a)	Ia, IIa, IIIa
1013.1	Ib, IIa
1026.6	IIa, IIb
1027.5.2	Ia, IIa, IIb, IIIb
3404.3.3.11	Ia, IIa, IIIb
App. II-A, Sec. 7	Ia, IIIa
App. II-C, Sec. 6.2.1	Ia, IIIa, IIIb

DIVISION 3. All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Code hereby adopted are hereby repealed.

DIVISION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 5. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council Meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

ALBERT J. BORO, Mayor

Attest:

JEANNE M. LEONCINI, City Clerk

The foregoing Ordinance No. 1864 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 5th day of November, 2007 and ordered passed to print by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Cohen, Heller, Miller, Phillips & Mayor Boro
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the Council to be held on the 19th day of November, 2007.

JEANNE M. LEONCINI, City Clerk

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



March 21, 2011

John P. Lippitt, Deputy Fire Marshal
Fire Dept., Fire Prevention Bureau
City of San Rafael
1039 C Street
San Rafael, CA 94901

Dear Mr. Lippitt:

This letter is to acknowledge receipt on December 7, 2010 of the City of San Rafael submittal pertaining to Ordinance No. 1888 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

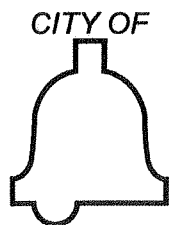
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



San Rafael

Mayor
Albert J. Boro

Council Members
Greg Brockbank
Damon Connolly
Barbara Heller
Marc Levine

Christopher Gray
Fire Chief

December 6, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

RE: Filing of City of San Rafael Local Amendments to Title 24

Please accept the enclosed submittal of the adoptive ordinance codifying our local amendments to the California Code of Regulations Title 24, 2010 California Fire Code. The findings for the local amendments are included within the ordinance documents located in Division 2, on page 18.

Thank you for your consideration of our request for filing of local amendments to Title 24.

Respectfully,

John D. Lippitt,
Deputy Fire Marshal
Fire Prevention Bureau
(415) 485-5067



Enclosure:

- (1) Ordinance No. 1888 – Title 4, Chapter 4.08 FIRE CODE,
Municipal Code of the City of San Rafael

2010 DEC -7 P 1:50
CALIFORNIA BUILDING
STANDARDS COMMISSION

CLERK'S CERTIFICATE

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, and Ex-Officio Clerk of the Council of said City, do hereby certify that the foregoing Charter Ordinance No. 1888 entitled:

**ORDINANCE OF THE CITY OF SAN RAFAEL
AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE
CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08
THERE TO, ADOPTING THE CALIFORNIA FIRE CODE,
2010 EDITION, WITH AMENDMENTS; ADOPTING
ENFORCEMENT, PENALTY AND APPEALS PROVISIONS
FOR SUCH CODE; AND ADOPTING FINDINGS OF FACT
SUPPORTING THE AMENDMENTS TO SUCH CODES.**

is a true and correct copy of an Ordinance of said City and was introduced at a REGULAR meeting of the City Council of the City of San Rafael, held on the 1st day of November, 2010, a SUMMARY of Ordinance No. 1888 was published as required by City Charter in the MARIN INDEPENDENT JOURNAL, a newspaper published in the City of San Rafael, and passed and adopted as an Ordinance of said City at a REGULAR meeting of the City Council of said City, held on the 15th day of November, 2010, by the following vote, to wit:

AYES	COUNCILMEMBERS: Brockbank, Heller, Levine & Vice-Mayor Connolly
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: Mayor Boro

WITNESS my hand and the official
seal of the City of San Rafael this
17th day of November, 2010

Esther C. Beirne
ESTHER C. BEIRNE
City Clerk

SUMMARY OF ORDINANCE NO. 1888

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08 THERE TO, ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT, PENALTY AND APPEALS PROVISIONS FOR SUCH CODE; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODE.

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1888, which will amend the San Rafael Municipal Code by amending Chapter 4.08, adopting the 2010 California Fire Code with amendments, and adopting provisions for enforcement, penalties and appeals related to such code, as detailed in the complete text of Ordinance No. 1888. Ordinance No. 1888 is scheduled for adoption by the San Rafael City Council at its regular meeting of November 15, 2010. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

This Ordinance amends Chapter 4.08 of the San Rafael Municipal Code, adopts the 2010 California Fire Code with amendments, adopts fire prevention and fire safety regulations in structures and on property located in the City of San Rafael, adopts restrictions on the storage of flammable cryogenic fluids, compressed natural gas, flammable and combustible fluids, adopts restrictions on the storage and dispensing of liquefied natural gas, adopts a prohibition on explosives and blasting agents, and adopts provisions for enforcement, penalties and appeals related to the aforementioned code. The Ordinance also contains the findings of fact that are required by Health & Safety Code Sections 17958.5, 17958.7 and 18941.5 relative to local climatic, geological and topographical conditions supporting the amendments made to the building standards contained in the 2010 California Fire Code.

PUBLICATION

For a complete text of Ordinance No. 1888, please contact the City Clerk at (415) 485-3066. Copies of Ordinance No. 1888 will also be available for public review as of Wednesday, November 10, 2010, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m.

Dated: November 10, 2010


ESTHER C. BEIRNE, City Clerk

ORDINANCE NO. 1888

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08 THERETO, ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT, PENALTY AND APPEALS PROVISIONS FOR SUCH CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Title 4, Chapter 4.08 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

CHAPTER 4.08. FIRE CODE

Sections:	4.08.010	Purpose.
	4.08.020	Adoption of the California Fire Code, 2010 Edition with Amendments.
	4.08.030	Definitions.
	4.08.040	Administration and Enforcement of the Fire Code.
	4.08.050	The Fire Chief has Powers of Police and authority to arrest and issue citations.
	4.08.060	Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.
	4.08.070	Restrictions on the storage and dispensing of liquefied petroleum gases (LPG).
	4.08.080	Explosives and blasting agents prohibited.
	4.08.090	Restrictions on storage of compressed natural gas.
	4.08.100	Restrictions on storage of stationary tanks of flammable cryogenic fluids.
	4.08.110	New materials, processes or occupancies which may require permits.
	4.08.120	Amendments to the Fire Code.
	4.08.130	Enforcement and Penalties.
	4.08.140	Appeals.

4.08.010 Purpose.

The 2010 California Fire Code as described in Section 4.08.020 is adopted for the following purposes:

1. To prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake and other disasters;
2. To provide for permits as prescribed herein;
3. To establish and maintain a Fire Prevention Bureau;
4. To provide penalties for violations of this code.

4.08.020 Adoption of the California Fire Code, 2010 Edition with Amendments.

The City Council hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code which contains building standards and fire safety standards known as the 2010 California Fire Code (International Fire Code, 2009 Edition as amended by the State of California) as published by the California Building Standards Commission, together with appendices Chapter 4, B, BB, C, CC, D, F, H, I and J thereto; save and except such portions as are herein added, deleted, modified or amended.

4.08.030 Definitions.

Except as words are defined in section 4.08.120, the words used in this Chapter and in the adopted code listed in 4.08.020 shall have the meaning as defined below.

The following words are defined:

1. Whenever the words "Building Code" are used, they shall mean the California Building Code, as adopted by the City of San Rafael, with amendments.
2. Whenever the words "Residential Code" are used, they shall mean the California Residential Code, as adopted by the City of San Rafael, with amendments.
3. Whenever the words "Fire Code" are used, they shall mean this chapter and the codes and standards adopted in section 4.08.020, with amendments.

4. Whenever the word "Jurisdiction" is used, it shall mean the City of San Rafael.

4.08.040 Administration and Enforcement of the Fire Code.

- A. The Fire Chief has the authority to interpret, administer and enforce this code. The Fire Chief may delegate any or all of his authority under this code to such duly authorized subordinates in the Fire Department as he may designate and the actions of such duly authorized subordinates shall be construed as valid actions of the Fire Chief.
- B. The Fire Chief shall have the authority to order the immediate abatement of any hazard, located within or on public or private property and any public thoroughfare or railroad, when deemed by the Fire Chief to be an imminent hazard to the life, health, safety and the well being of the public, firefighters and other City employees.
- C. Whenever the Fire Chief finds an activity or use regulated by this code being performed or used in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Fire Chief is authorized to issue an order to cause the activity or use to cease or desist immediately.

4.08.050 The Fire Chief has Powers of Police and authority to arrest and issue citations.

- A. The Fire Chief and his duly authorized subordinates shall have the powers of a police officer in performing their duties under this code. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist them in enforcing the provisions of this code.
- B. The Fire Chief and his duly authorized subordinates shall have authority to arrest or to cite any person who violates any provision of the Fire Code, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.
- C. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned Fire Chief and his duly authorized subordinates exercising their arrest or citation authority within the course and scope of their employment pursuant to this code.

4.08.060 Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.

- A. Pursuant to Sections 3404.2.9.6.1 and 3406.2.4.4 of the Fire Code, except as provided in Subsection B of this Section, the storage of flammable and combustible liquids outside buildings in aboveground tanks is prohibited in all areas of the City.
- B. Providing storage of flammable and combustible liquids is within an approved aboveground fuel storage tank as required by the Fire Code, such storage and quantities are permitted in the following districts as defined in Title 14 of the Municipal Code:
 - 1. Districts designated as I, LI/O, M, MC, or CCI/O shall be permitted to have a maximum of ten thousand (10,000) gallons at any one site.
 - 2. Districts designated as PD, providing that they are industrial use in nature, shall be permitted to have a maximum of ten thousand (10,000) gallons at any one site.
 - 3. Districts designated as GC, C/O, FBWC, or PD (providing that they are commercial use) shall be permitted to store a maximum of five thousand (5,000) gallons at any one site.
 - 4. Discretion may be exercised by the Fire Chief to increase the maximum capacities allowed by this section, in accordance with regulations and standards adopted by the Fire Chief to protect against any increased hazards to life or property.
- C. Bulk plants for the storage of flammable or combustible liquids are prohibited within the jurisdiction.
- D. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

4.08.070 Restrictions on the storage and dispensing of liquefied petroleum gas (LPG).

- A. Pursuant to Section 3804.2 of the Fire Code, except as provided in Subsection B of this Section, the storage of LPG is prohibited in all areas of the City.

- B. Storage, limited to one thousand (1,000) gallons of LPG at any one site, is permitted in the following districts as defined in Title 14 of the Municipal Code, except that up to one thousand five hundred (1,500) gallons of LPG may be permitted at any one site, provided that the LPG storage tank system is protected in a manner approved by the Fire Chief:
1. Districts designated as I, LI/O or CCI/O;
 2. Districts designated as PD, providing that they are industrial use in nature;
 3. Districts designated as GC, C/O, FBWC, HO, 2/3 MUE, 2/3 MUW, M, MC or PD (providing that they are commercial use) only if the tank system is wholly protected in a manner approved by the Fire Chief.
- C. The storage of any LPG tank system in any residential district is prohibited unless there are no natural gas lines available to be connected to the residence.
- D. The dispensing of LPG is prohibited in all districts except such dispensing is permitted in those districts outlined in Subsection B of this Section.
- E. Exceptions to the Restrictions:
1. Limited quantities only when used in conjunction with home LPG barbecues, recreational vehicles or similar uses;
 2. Limited quantities only when used in conjunction with LPG driven vehicles;
 3. Limited quantities only when used in conjunction with construction projects for which a Building Permit has been issued;
 4. Existing bulk LPG facilities shall be able to continue their use and shall be able to relocate their facilities with the express permission of the Fire Chief and the City Council.
- F. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

4.08.080 Explosives and blasting agents prohibited.

Except where a Fire Permit is issued in accordance with Section 105.6.14 or Section 105.6.36 of the Fire Code, the manufacture, storage, handling, sale, or use of any explosives, explosive materials, blasting agents, fireworks or pyrotechnic special effects is prohibited within the jurisdiction.

4.08.090 Restrictions on storage of compressed natural gas.

Compressed natural gas facilities are prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/0 or CCI/0;
2. Districts designated as PD providing that they are industrial use in nature.

4.08.100 Restrictions on storage of stationary tanks of flammable cryogenic fluids.

Pursuant to Section 3204.3 of the Fire Code, the storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/0 or CCI/0;
2. Districts designated as PD providing that they are industrial use in nature.

4.08.110 New materials, processes or occupancies which may require permits.

The Fire Chief shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, process or occupancies which shall require permits in addition to those now enumerated in the Fire Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

4.08.120 Amendments to the Fire Code.

The 2010 California Fire Code is amended or modified, as follows:

Section 1.11.2.1.1 is hereby amended as follows:

1.11.2.1.1 Enforcement. Pursuant to Health & Safety Code Section 13146, the Fire Chief shall have the responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, for Group R-3 occupancies and all buildings and property subject to regulation by the City.

Section 103.1 is hereby amended as follows:

103.1 Fire Prevention Bureau. The Fire Prevention Bureau is established within the Fire Department under the direction of the Fire Chief. The function of the Fire Prevention Bureau shall include the interpretation, implementation, administration and enforcement of the Fire Code and adopted standards. The Fire Prevention Bureau is authorized to enforce the provisions of other codes and ordinances of the City pertaining to the storage, handling and use of hazardous materials, fire and life safety, and the fire protection system requirements of the Building Code and the Residential Code.

Section 104.12 is hereby added as follows:

104.12 Liability of persons causing a Fire Department response. The Fire Department may recover the costs and expenses of a Fire Department response (incident) within the responsibility for enforcement of the Fire Chief, including all costs and expenses of the Fire Department and other mutual aid Fire Departments responding to the incident, where the incident has been caused by the willful misconduct or negligence of the party that caused the incident. These response costs shall be a debt of a business, corporation, individual or other responsible party owed to the Fire Department and to the other responding mutual aid Fire Departments. The City may collect response costs on behalf of itself, and also may collect response costs on behalf of the other mutual aid Fire Departments with their consent. The mutual aid Fire Departments also may collect their response costs directly from the responsible party. The City shall compute and bill the responsible party for such response costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 A. Upon failure to pay the response costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such response costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

Section 109.3 is hereby amended as follows:

109.3 Violation penalties. Persons who shall violate a provision of this Chapter and the Fire Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or direction of the Fire Chief, or of a permit or certificate used under provisions of this code, shall be guilty of misdemeanors/infractions and are subject to the penalties set forth in Section 4.08.130. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 is hereby amended as follows:

111.4 Failure to comply. Any person who shall continue to work after having been served with a stop work order, or any person who shall continue an activity or a use after having been served with a cease and desist order, shall be guilty of misdemeanors/infractions and are subject to the penalties set forth in Section 4.08.130.

Section 113.2 is hereby amended as follows:

113.2 Master fee schedule. The fees for permits and other services shall be as established in the Master Fee Schedule Resolution of the City Council as adopted from time to time. The fees shall be set to cover the cost to review the application, issue a permit, and inspect the intended construction, activities, operations, use, or functions. The fees must be paid to the City prior to engaging in the construction, activities, operations, use or functions.

Exception: The applicant for a given permit shall be exempt from payment when the event is sponsored by the City, or work to be conducted is located on properties owned by the City, or as otherwise determined by the Fire Chief.

Where it is determined during inspections that the construction, activity, or use repeatedly fails to comply with the requirements of the Fire Code, and additional inspections or re-inspections are required to verify compliance, the Fire Chief may require those additional inspections be billed at the fully burdened hourly rate as published by the City's Finance Director.

Section 113.3 is hereby amended as follows:

113.3 Work commencing before permit issuance. Any person who commences any work, activity, operation or use regulated by this code before obtaining the necessary permits may be subject to an additional investigation fee as determined by the Fire Chief; the investigation fee shall be three (3) times the normal permit fee, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section 113.7 is hereby added as follows

113.7 After hours inspection fees. An after hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after hours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after hours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as published by the City's Finance Director.

Section 113.8 is hereby added as follows

113.8 Operational permit applications. Application for Operational Permits (i.e: Assembly, Pyrotechnic, Tents, etc.) shall be submitted at least ten (10) business days prior to the scheduled event date. Applications submitted less than ten (10) business days prior to the event date may be charged one and one-half (1½) times the regular permit rate.

Section 202 is hereby amended by adding the following definitions:

FALSE ALARM. False alarm shall mean an alarm signal, willful, knowing or otherwise, initiating a response by the Fire Department where an emergency situation did not or does not exist.

FIRE PREVENTION STANDARDS. Fire prevention standards shall mean those supplemental rules and regulations that have been approved by the Fire Chief to provide additional guidance and interpretation of this code.

PUBLIC STORAGE FACILITY. A public storage facility shall mean any business that sells, leases or rents space to the public, whether it is a building, storage container or similar configuration.

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

TEMPORARY. Temporary shall mean any occupancy, activity, or use for a period of less than one hundred eighty (180) days.

Section 302.1 is hereby amended by adding the definition of "Fireworks" as follows:

FIREWORKS. Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation and any "safe and sane" fireworks as defined by section 12529 of the State of California Health and Safety Code.

Section 304.1.2 is hereby amended as follows:

Section 304.1.2 Vegetation. Weeds, grass, vines, brush, trees, or other growth that is capable of being ignited and endangering public or private property, a fire apparatus access road, a public thoroughfare, or a railroad, shall be cut down and mulched or removed by the owner or occupant of the premises or by the responsible public agency in accordance with Sections 304.1 through 304.1.2.2.

Section 304.1.2.1 Vegetation clearance. Vegetation located within ten (10) feet of the outlet of a chimney or stove pipe shall be cut and mulched or removed. Vegetation located within one hundred (100) feet of a building shall be cut and mulched or removed. Vegetation located within ten (10) feet of a fire apparatus access road, a public thoroughfare, or a railroad shall be cut and mulched or removed.

Section 304.1.2.2 Wildland Urban Interface areas. Vegetation clearance requirements in wildland urban interface areas shall be in accordance with this Section, Chapter 49 of this code and San Rafael Municipal Code Chapter 4.12.

[Remainder unchanged]

Section 318 is hereby added as follows:

Section 318 Fireworks.

Section 318.1 Fireworks prohibited. Except where a Fire Permit is issued in accordance with Section 105.6.14 or Section 105.6.36 of the Fire Code, the manufacture, storage, sale, possession, handling, or use of any fireworks as defined in Section 302.1, is prohibited within jurisdiction limits.

Section 318.2 Seizure. The Fire Chief shall seize, remove or cause to be removed, at the expense of the owner or person in possession, all stocks of fireworks offered or exposed for sale, stored, used or held in violation of this code.

Section 502.1 is hereby amended by adding the definition of "Fire Road" as follows:

FIRE ROAD. Fire road shall mean any improved or unimproved road, public or private, that provides access for firefighting equipment and personnel to undeveloped areas.

Section 503.1.4 is hereby added as follows:

503.1.4 Fire roads. Fire roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the City so as to gain access to improved, unimproved, and undeveloped areas in a manner approved by the Fire Chief. Any vehicle or other obstruction to Fire Department access may be towed away or removed at the owner's expense.

Section 503.2.6.1 is hereby added as follows:

503.2.6.1 Load testing. Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Chief.

Section 503.4 is hereby amended by adding the following sentence:

Any vehicle or other obstruction may be towed away or removed at the owner's expense.

Section 505.1 is hereby amended as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction or substantial remodels. Number sizes shall be as follows: Minimum of one-half-inch (1/2") stroke by four inches (4") high for residential applications, minimum one-half-inch (1/2") stroke by six inches (6") high for commercial applications. Larger sizes may be required by the Fire Chief based on distance from the street or road fronting the property. All buildings abutting on any public or private street, avenue, drive, road, place or lane within the City shall be given and marked with an official address number. Where access is by means of a private way, a monument, or other sign may be required by the Fire Chief to identify the building. The Chief Building Official shall decide the proper number to be assigned to any building.

505.1.1 Multi-tenant buildings. Numbers or letters shall designate all separate occupancies within new or existing multi-tenant buildings. Size shall be minimum one-quarter-inch (1/4") stroke by two inches (2") high and on a contrasting background for tenant spaces accessed from an interior corridor, and as indicated in Section 505.1 for spaces with exterior access doors. In multi-story or larger buildings, directional address numbers or letters shall be provided at a central location. Said addresses or numbers shall be posted at a height no greater than five feet six inches (5' - 6") above the finished floor and shall be either internally or externally illuminated in all new construction or substantial remodels.

505.1.2 Rear addressing. Where required by the Fire Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with Section 505.1.

Section 506.1 is hereby amended by adding the following:

506.1 Key entry system. Except for single family dwellings, all buildings which have installed therein an automatic fire alarm system, automatic fire sprinkler system or a security gate, shall have an approved key entry system installed. All facilities that are required to have Hazardous Materials Business Plans shall have an approved key entry system installed. All electronic operated vehicular gates, including gates serving single family dwellings, shall have an approved key switch override system mounted on a stanchion or wall as approved by the Fire Chief.

Section 507.5.1.1 is hereby added as follows:

507.5.1.1 Fire hydrant upgrades. When additions or alterations to structures are made, the nearest existing fire hydrant shall be upgraded to the minimum standard of a Clow model 950, wet barrel type hydrant with one- four and one half inch (4½") outlet and one- two and one half inch (2½") outlet for single family dwellings, or for all other applications or structures to a Clow model 960, wet barrel type hydrant with one- four and one half inch (4½") outlet and two- two and one half inch (2½") outlets.

Exception 1: If the cost of upgrading the fire hydrant exceeds two percent (2%) of the cost of the project, based on the Building Permit valuation.

Exception 2: This section does not apply where an automatic fire sprinkler system is installed throughout the building.

Section 509.1.1 is hereby added as follows:

509.1.1 Utility identification. In multi-unit commercial and residential buildings, gas and electric meters, service disconnect switches and shut-off valves shall be clearly, legibly and permanently identified in an approved manner to indicate the unit or space that it serves.

Section 903.2 is hereby amended as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

Exception: Freestanding Group U occupancies not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.
3. All other existing buildings, where required by the Fire Chief in accordance with the following:
 - i. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.
 - ii. All buildings in excess of three thousand (3,000) square feet which have more than ten percent (10%) floor area added within any three (3) year period.
 - iii. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than 50% of the square footage of the existing building.
 - iv. Where fire sprinklers are required by the provisions above, they shall be extended throughout the building.
4. In all residential occupancies required to be sprinklered as provided above, attached garages and attics designed for storage or containing mechanical equipment shall also be sprinklered.
5. In all Group R-1 and R-2 residential occupancies required to be sprinklered as provided above, the attics shall be fully sprinklered in accordance with NFPA 13.
6. All single family dwellings required to be sprinklered as provided above, which are in excess of five thousand (5,000) square feet shall be sprinklered in accordance with NFPA 13 or NFPA 13R.
7. All public storage facilities.
8. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections 903.2.1 through 903.2.17 remain the same.

Section 903.2.18 is hereby modified by deleting the exception.

Section 907.9.5.1 is hereby added as follows:

907.9.5.1 False and nuisance alarm – public nuisance. A protected premises fire alarm shall constitute a public nuisance if it actuates three (3) or more false or nuisance alarms within any calendar year. This section shall be effective thirty (30) days after fire alarm system installation is operational.

907.9.5.2 False and nuisance alarm response fee. Where a protected premises fire alarm constitutes a public nuisance as specified in Section 907.9.5.1, the owner or lessee shall be responsible for the City's false and nuisance alarm response fees as specified in the Master Fee Schedule Resolution adopted by the city council.

Section 1013.1 is amended by adding the following sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section 1029.6 is added as follows:

1029.6 Hotel window fall prevention. Operable windows in hotels located within this jurisdiction shall be in accordance with this section.

1029.6.1 New hotels. All new hotels, on all floors, shall have window stops installed to prevent the windows from being opened more than four inches (4") when the window sill height is less than forty-two inches (42") above the floor.

1029.6.2 Existing hotels. All existing hotels shall have window openings that comply with the following:

1029.6.2.1 Floors one through three. All existing hotels, on floors one through and including three, shall have no operable window openings such that the bottom edge of the opening, on the interior of the room, is less than forty-two

inches (42") above the floor level.

Exception 1: If the level of the ground or walkway on the exterior of the room is no more than thirty inches (30") below the window sill.

Exception 2: If automatic fire sprinklers are installed throughout the building, window stops may be installed to limit the opening to no more than four inches (4").

1029.6.2.2 Floors above the third floor. All existing hotels, on floors above the third floor, shall have window stops installed to prevent the windows from being opened more than four inches (4") if window sill heights are less than forty-two inches (42") above the floor.

1029.6.3 Clear area adjacent to window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section 3404.3.3.11 is added as follows:

3404.3.3.11. Storage of flammable and combustible liquids and other hazardous materials. The storage of flammable or combustible liquids or other hazardous materials in public storage facilities is prohibited. Such facilities shall post legible and durable signs to indicate same in a manner and locations as specified by the Fire Chief. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for normal maintenance of the facility.

Section 4603.7.1 is hereby amended by adding the following subsections, following the Exception:

- A. On or after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Health and Safety Code Section 19971, which is sold shall have operable smoke alarms installed. The smoke alarms shall be approved and listed by the State Fire Marshal and installed in accordance with section 907.2.11.2. Battery operated smoke alarms shall be deemed to satisfy the requirements of this section.
- B. On or after January 1, 1993, every apartment building shall have installed a hardwired smoke alarm with battery back-up located within every dwelling unit. This smoke alarm shall be located outside of sleeping rooms and the primary power shall be from the building wiring, with no intervening switches other than

the circuit breaker. The smoke alarm shall be approved and listed by the State Fire Marshal.

Section 4604.5.2 is added as follows:

4604.5.2 Change of ownership. Buildings, portions of buildings, or occupancies shall meet the requirements of Section 4604.5 upon a change of ownership.

4.08.130 Enforcement and penalties.

- A. In addition to the enforcement powers and remedies provided in the Fire Code, the Fire Chief shall have the power to enforce the provisions of this code as provided in Chapters 1.40, 1.42, 1.44, and 1.46.
- B. Violations of the Fire Code as adopted in this code are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.
- C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.
- D. Nothing contained in Subsections A through C of this Section shall be construed or interpreted to prevent the City from recovering all costs associated with a Fire Department response as described in Section 104.12 of the Fire Code.
- E. Any violation of any provision of this code shall constitute a public nuisance, and shall entitle the City to collect the costs of abatement and related administrative costs, by a code enforcement assessment lien and special assessment pursuant to Section 1.46.160 of the San Rafael Municipal Code, or by a nuisance abatement lien and special assessment pursuant to Government Code Sections 38773.1 and 38773.5. Prior to recordation of such a lien or processing such a request for special assessment, the City shall give written notice to the record owner of the affected property. In addition, the City shall be entitled to collect such abatement costs and related administrative costs, together with litigation costs and attorneys' fees, in a civil action pursuant to Section 1.42.020 of the San Rafael Municipal Code.

4.08.140 Appeals.

- A. Any person receiving a bill for Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing, the Hearing Officer shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the Hearing Officer.
- B. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within ten (10) days from the date of the decision. The provisions of this section shall not apply to corrective actions for the clearance of vegetation as specified in Sections 304.1 through 304.1.2.2 of the Fire Code, or to matters for which an appeal is provided pursuant to 4.08.140 (A) above.

DIVISION 2.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions.

Therefore, the City Council hereby finds that these changes or modifications to the Fire Code as adopted in Title 4 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions.

- a. Most of the annual rainfall in San Rafael occurs during the winter; it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds.

- b. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences; there are times that flooding conditions occur in low-lying areas.

II. Geologic conditions.

- a. San Rafael lies near several earthquake faults, including the very active San Andreas Fault; there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b. Many areas of the City, including some highly developed industrial and commercial areas are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions.

- a. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.
- b. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Section Number	Climatic, geological and topographical condition
1.11.2.1	Ia, IIa, IIIa, IIIb
103.1	Ia, IIa, IIIa, IIIb
104.12	Ia, Ib, IIa, IIb, IIIa, IIIb
109.3	Ia, Ib, IIa, IIb, IIIa, IIIb
111.4	Ia, Ib, IIa, IIb, IIIa, IIIb
113.2	Ia, IIa, IIIa
113.3	Ia, IIa, IIIa
113.7	Ia, IIa, IIIa
113.8	Ia, IIa, IIIa
202	Ia, Ib, IIa, IIb, IIIa, IIIb
302.1	Ia, Ib, IIa, IIb, IIIa, IIIb
304.1.2	Ia, IIa, IIIa, IIIb
318	Ia, IIa, IIb, IIIa, IIIb
502.1	Ia, Ib, IIa, IIb, IIIa, IIIb
503.1.4	Ia, Ib, IIa, IIIa
503.2.6.1	Ia, IIa, IIb, IIIa
503.4	Ia, IIa, IIIa
505.1	Ia, IIa, IIIa
506.1	Ia, IIa, IIb, IIIa
507.5.1.1	Ia, IIIa
509.1.1	Ia, IIa, IIb, IIIa
903.2	Ia, IIa, IIIa, IIIb
903.2.18	Ia, IIa, IIIa
907.9.5.1	Ia, Ib, IIa, IIb, IIIa, IIIb
1013.1	Ib, IIa
1029.6	IIa, IIb
3404.3.3.11	Ia, IIa, IIIb
4603.7.1	Ia, IIa, IIIa
4604.5.2	Ia, IIa, IIIa

DIVISION 3.

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Fire Code hereby adopted are hereby repealed.

DIVISION 4.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section,


subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 5.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council Meeting at which it is adopted.

This Ordinance shall be in full force and effect on January 1, 2011, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.


ALBERT J. BORO, Mayor

Attest:


ESTHER BEIRNE, City Clerk

The foregoing Ordinance No. 1888 was read and introduced at a Regular meeting of the City Council of the City of San Rafael held on the 1st day of November, 2010 and ordered passed to print by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Brockbank, Connolly, Heller, Levine & Mayor Boro
NOES:	COUNCILMEMBERS	None
ABSENT:	COUNCILMEMBERS:	None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the Council to be held on the 15th day of November, 2010.


ESTHER BEIRNE, City Clerk

